

# Exhibit B

## COPY OF TRANSCRIPT

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH, CENTRAL DIVISION

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GLOBAL FREIGHT SYSTEMS	)	
CO. W.L.L. GAMA	)	
CENTER; and GENOA	)	30(b)(6) Deposition of
PLASTIC INDUSTRIES,	)	Global Freight Systems
	)	through:
Plaintiffs,	)	
	)	<u>Anthony Dsouza</u>
vs.	)	
	)	
AL-MORRELL DEVELOPMENT,	)	Case No. 1:14-CV-00133-TC
LLC and PAUL A. MORRELL,	)	
	)	Hon. Tena Campbell
Defendants.	)	

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September 23, 2015 \* 9:00 a.m.

Location: Jones Waldo Holbrook & McDonough  
170 South Main Street, Suite 1500  
Salt Lake City, Utah 84111

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Notary Public in and for the State of Utah

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P R O C E E D I N G S

Anthony Dsouza,

called as a witness, being first duly sworn,  
was examined and testified as follows:

EXAMINATION

BY MR. HANSEN:

Q. Is it okay if I call you "Anthony" during  
the deposition?

A. That's fine.

Q. Okay. Anthony, as you know I'm Christian  
Hansen. I'm the attorney for Al-Morrell Development  
and Anthony Dsouza in this litigation. And today is  
the date that we have scheduled for Global Freight's  
deposition. Could you just state your complete name,  
please.

A. Anthony Joe Dsouza.

Q. Could you spell your last name.

A. D-S-O-U-Z-A.

Q. And have you ever had your deposition  
taken before?

A. No.

Q. This is your first time?

A. First one.

1           Q.     Okay. I'm sure you've gone over the  
2 process a little bit with your attorney, but I'll just  
3 briefly discuss maybe some ground rules. We have a  
4 court reporter here who is taking down everything that  
5 is being said. And it will make her job a lot easier  
6 if you will allow me to complete my question before you  
7 provide an answer. In turn, I'll try and do my best to  
8 allow you to complete your answer before I ask another  
9 question.

10                If I ask a question that you don't  
11 understand, feel free to ask me to repeat the question.  
12 I don't want you to try and guess at what I might be  
13 asking you. So if there's anything that you don't  
14 understand, do not hesitate in asking me to repeat the  
15 question.

16                If at any time during the deposition you  
17 need a break or you'd like to meet with Ms. Wilde, feel  
18 free to let me know and we can take a break.

19                Are you under the influence of any alcohol  
20 or drugs that would impair your ability to testify  
21 truthfully and accurately today?

22           A.     No.

23           Q.     Okay. You understand that you are under  
24 oath and you have a duty to tell the truth here today  
25 at this deposition?

1 A. Yes, sir.

2 Q. And that if this matter was to go to  
3 trial, if you were to testify at trial and your  
4 testimony is different than it is at this deposition  
5 today, that that could be pointed out to the court?

6 A. Yes.

7 Q. Okay. Let's mark this.

8 (EXHIBIT 22 WAS MARKED.)

9 Q. Can you take a look at that document for  
10 me?

11 A. Yes.

12 Q. Have you seen that document before?

13 A. Yes, I have.

14 Q. And you understand that today you've been  
15 designated as a representative for Global Freight  
16 Systems to testify on its behalf?

17 A. Yes, I do.

18 Q. And on pages 2 and 3 there are a number of  
19 topics that are set forth that we may cover today.  
20 Have you reviewed those topics?

21 A. Yes, I have.

22 Q. And are you prepared to testify on behalf  
23 of Global Freight regarding those topics today?

24 A. Yes.

25 Q. What did you do to prepare for today's

1 deposition?

2 A. I went through the topics of discussion 1  
3 through 9. I reviewed the history of everything that  
4 had to do with this case. It was more or less a review  
5 for me, because over the past two years, as this case  
6 progressed, most of the things were repetitive. But I  
7 had to brush through the points to come prepared to  
8 answer anything that you would like me to tell you.

9 Q. Now, did you say that you reviewed topics  
10 1 through 9 in the notice?

11 A. One to 13.

12 Q. Okay. I apologize.

13 Did you meet with anyone prior to today's  
14 deposition to discuss any of the topics included in the  
15 Notice of Deposition?

16 A. No.

17 Q. Okay. Can you just tell me a little bit  
18 about what it is that you do for Global Freight?  
19 What's your position with Global Freight?

20 A. Right now I'm the head of operations for  
21 Global Freight.

22 Q. And what do your responsibilities as head  
23 of operations include?

24 A. As head of operations I'm in charge of  
25 logistics, warehousing, and all operation related



1 matters pertaining to Global Freight Systems.

2 Q. And how long have you been employed with  
3 Global Freight?

4 A. Ten and a half years.

5 Q. Has it always been in the capacity as head  
6 of operations?

7 A. No. I started off as manager of  
8 logistics, went on to be head of operations.

9 Q. How long were you the manager of  
10 logistics?

11 A. Seven years.

12 Q. So roughly three and-a-half years ago is  
13 when you took over as head of operations?

14 A. Right.

15 Q. What did you do as manager of logistics?

16 A. Manager of logistics I was focused mostly  
17 on the military contracting business that we do,  
18 because that's what I was hired for. Once we grew our  
19 business, there was a position to head the operations,  
20 which covered all operations of the business that  
21 Global Freight runs, and I was selected to head that  
22 position.

23 Q. What did you do for a career prior to  
24 working for Global Freight?

25 A. I did a lot of things. But immediately or

1 you just want to know --

2 Q. Just immediately before.

3 A. I was working for a software company in  
4 India.

5 Q. In India?

6 A. Yeah.

7 Q. What did you do at the software company?

8 A. I was the operations manager.

9 Q. Okay. And what took you from that  
10 position to the position at Global Freight?

11 A. I responded to an advertisement for a  
12 challenge, and that got me to Kuwait.

13 Q. You were just looking for a change?

14 A. Just looking for a change.

15 Q. Okay. Can you explain for me the types of  
16 services and/or products that Global Freight provides?

17 A. Yeah. Global Freight, as the name  
18 suggests, we are a freight forwarding transportation  
19 company. From 2002 onwards we diversified our business  
20 to get into military contracting and military  
21 logistics. And that's where I was hired because of my  
22 experience in operations. I joined Global Freight and  
23 primarily we were doing a lot of operations with the  
24 U.S. military in Iraq and Afghanistan, subsequently  
25 Africa. And Global Freight was involved freight

1 forwarding. As a business, we were involved in freight  
2 forwarding, military relocations, commercial  
3 relocations, military supply, military construction,  
4 military services. And by "military," I mean  
5 subcontracting services for the Department of Defense.

6 Q. Is your work in the military limited to  
7 the U.S. military or does it involve other militaries,  
8 as well?

9 A. It involves the Canadian army, the  
10 Australian defense forces, and also the British forces.

11 Q. And Global Freight started its military  
12 work in 2002; do I understand that correctly?

13 A. Correct.

14 Q. And you talked about military relocation.  
15 What types of services are involved with military  
16 relocation?

17 A. We represent Allied Big Foots in Kuwait.  
18 Big Foots. They are the leading removals company  
19 worldwide. A U.S.-based company, and we represent them  
20 in Kuwait. And through Allied we do a lot of military  
21 contract removals. For example, soldiers who head back  
22 after their deportation in Kuwait need their housing  
23 goods packed, their personal effects packed. We move  
24 it back for them in the States.

25 MS. WILDE: Anthony, speak a little

1 slower. We have a little hard time understanding just  
2 some of your words.

3 Q. So then if I understand the military  
4 relocation portion of your business, it involves  
5 basically transporting soldiers to and from -- maybe  
6 not to, but relocating them from?

7 A. No. Relocating business for the U.S.  
8 military involves moving the personal effects back  
9 home.

10 Q. The personal effects?

11 A. Yes.

12 Q. Such as household furnishings or something  
13 like that?

14 A. Personal effects of soldiers.

15 Q. Whatever they may have there, you help  
16 them get it home.

17 A. Yes.

18 Q. Okay. So explain to me a little bit about  
19 the commercial relocation services that Global Freight  
20 provides.

21 A. Commercial relocations is if somebody was  
22 to move back, was working in Kuwait, any ex-pat,  
23 whether he was American, British, Australian and he  
24 decided to move back to his home country, we would  
25 relocate him door to door.

1 Q. So that's basically just a moving company,  
2 but on a larger scale.

3 A. On a larger scale.

4 Q. And then what are the military  
5 construction services that you provide?

6 A. We constructed prefabricated housing units  
7 for the military in camps in Iraq and Afghanistan.

8 Q. And then you also mentioned freight  
9 forwarding.

10 A. I mentioned freight forwarding. It's  
11 clearing and delivery of military cargo coming into  
12 Kuwait, and delivering to the bases in Iraq and  
13 Afghanistan and Kuwait.

14 Q. Which category of the services were the  
15 services that Global Freight provided that Al-Morrell  
16 Development fall into?

17 A. It would be a mix of freight forwarding  
18 and the military logistics transportation.

19 Q. Okay.

20 A. It's a combination of the two.

21 Q. How long has Global Freight been in  
22 business?

23 A. We were incorporated in August '97.

24 Q. In 1997. And what did the business focus  
25 on from '97 to 2002, then, if the military component

1 wasn't there?

2 A. Freight forwarding and relocations.

3 Q. Okay. When did the relationship between  
4 Global Freight and Al-Morrell Development begin?

5 A. It began early January 2011.

6 Q. Okay. And how did that relationship come  
7 about?

8 A. The then logistic manager was a gentleman  
9 by the name of Tom Owen.

10 MS. WILDE: How do you spell that?

11 THE WITNESS: O-W-E-N.

12 Q. Owen. Okay. He was the logistics manager  
13 for Al-Morrell Development?

14 A. In Kuwait.

15 Q. Okay. So did he contact Global Freight  
16 seeking services?

17 A. Yeah. He was looking for vendors. He  
18 already had an existing contract. He wanted to change  
19 it. He was looking, so he contacted me.

20 Q. Do you know who the existing contract was  
21 with?

22 A. A company called Pima.

23 Q. Pima?

24 A. Yeah.

25 Q. Do you know why they were looking to

1 change that contract?

2 A. I'm not sure.

3 Q. Okay. When you were contacted -- did  
4 Mr. Owen -- who did he contact at Global Freight?

5 A. He contacted me.

6 Q. Okay. And when Mr. Owen contacted you  
7 specifically, what types of services was he looking for  
8 Global Freight to provide?

9 A. He was looking for a warehouse, he was  
10 looking for a company with trucks, and he was looking  
11 for a company that could deliver, clear his cargo,  
12 import important clearance into Kuwait, store his  
13 cargo, and distribute it into all the camps in Iraq.

14 Q. Okay. So just so I can understand this  
15 process, I assume that it starts with clearing the  
16 cargo --

17 A. Right.

18 Q. -- through customs? Or is that how it  
19 would work? Stuff would be shipped? Where would it be  
20 shipped? When Al-Morrell Development had a shipment of  
21 cargo arrive, where would it be shipped to?

22 A. To my warehouse.

23 Q. And where is your warehouse located?

24 A. In Kuwait.

25 Q. And when you say your warehouse, you mean

1 Global Freight's warehouse, correct?

2 A. Correct.

3 Q. And so it would be shipped to a warehouse  
4 in Kuwait. And then what would Global Freight do with  
5 the cargo that was sent to Al-Morrell Development?

6 A. We would stock it and get it into the  
7 inventory list and hold it until Al-Morrell gave us  
8 instructions to ship it out.

9 Q. And then when you received instructions to  
10 ship it out, you would provide the trucking services to  
11 take it wherever it needed to go.

12 A. Mostly to Iraq.

13 Q. Okay. To one location in Iraq, or various  
14 locations?

15 A. Multiple locations.

16 Q. Okay. And is that -- so those are the  
17 types of services that Mr. Owen requested from Global  
18 Freight, correct?

19 A. Correct.

20 Q. And that was at the inception of the  
21 relationship. Did the type of services Global Freight  
22 provided to Al-Morrell Development change at any time  
23 after January of 2011?

24 A. Not really.

25 Q. Okay. When the relationship between



1 Al-Morrell Development and Global Freight started, was  
2 there a contract entered into at that time?

3 A. Can you repeat the question?

4 Q. Yeah. So in January 2011 when the  
5 relationship started between Al-Morrell Development and  
6 Global Freight, was there a written agreement signed  
7 memorializing the terms of the relationship?

8 MS. WILDE: Objection. Assumes facts.

9 I just want to make sure, has he said that  
10 it was January 2011 the relationship started?

11 MR. HANSEN: I thought so, but I can  
12 clarify. I'll clarify that.

13 MS. WILDE: Okay. I just don't know if he  
14 said that.

15 MR. HANSEN: That's fair enough.

16 Q. (By Mr. Hansen) Approximately when did  
17 the relationship between Global Freight and Al-Morrell  
18 Development begin?

19 A. The contract was signed in June of 2011.

20 Q. So that was the first time there was a  
21 contract entered into?

22 A. Right.

23 Q. Now, when did the relationship actually  
24 start? When did Global Freight start providing  
25 services to Al-Morrell Development?

1           A.       Between January and June several of the  
2 Al-Morrell executives, right from the vice-president to  
3 the directors, visited our facilities. There were  
4 several quotations sent to and fro. Al-Morrell wanted  
5 to test us on services. We did what they called dry  
6 runs. The dry runs were held, not too many, probably  
7 four to five dry runs held between March and June  
8 before we formally signed a contract.

9           Q.       Okay.

10          A.       Al-Morrell insisted that they wanted to  
11 see what we could do before they could sign a contract.  
12 And we agreed that we would do a few dry runs.

13          Q.       So between January and June of 2011 is  
14 when the executives came and visited with Global  
15 Freight and the dry runs occurred, correct?

16          A.       Correct.

17          Q.       Do you recall the executives from  
18 Al-Morrell Development that came and visited Global  
19 Freight?

20          A.       Tom Owen was one of them. He was followed  
21 by his boss which, was Dan Hobson. He was director of  
22 supply chain for Al-Morrell. Final visit was by a  
23 vice-president Alan Slighting.

24          Q.       And did they come in three different  
25 visits or did they all come together?

1           A.       No. They came in three to four different  
2 visits.

3           Q.       Okay. And when dry runs took place did it  
4 actually involve Global Freight delivering supplies in  
5 Iraq, or how did the dry runs work?

6           A.       Dry runs, they were realtime runs. We  
7 loaded actual cargo, we were timed. They wanted to  
8 know with delivery commitments that we promised them,  
9 if that could be met.

10          Q.       And was Al-Morrell Development invoiced  
11 for those dry runs?

12          A.       Yes, they were.

13          Q.       Okay. And I think you might have told me  
14 about how many dry runs were done.

15          A.       Maybe five to six missions.

16          Q.       Okay. And then it was after the dry runs  
17 that the contract was entered into in 2011? In July  
18 2011?

19          A.       June 2011.

20          Q.       Okay. So you stated before that the types  
21 of services that Global Freight provides to Al-Morrell  
22 Development fall into the freight forwarding category  
23 or the military logistics, transportation category.

24          A.       Right.

25          Q.       How many other customers, aside from

1 Al-Morrell Development, does Global Freight have that  
2 fit into those categories?

3 A. Could you repeat the question, please?

4 Q. Yeah. I guess what I'm looking for is how  
5 many customers Global Freight provides services to that  
6 fall into the freight forwarding and military logistics  
7 categories of services.

8 A. Number-wise, it would be difficult to tell  
9 you. But if you want to know the immediate customers,  
10 I can tell you. It involved the U.S. military  
11 directly, the U.S. Embassy in Kuwait and Iraq, the  
12 prime vendors such as KBR, Dyneco, the British  
13 services, and a host of others.

14 Q. Okay. So can you explain to me how  
15 Al-Morrell Development ordered the services through  
16 Global Freight?

17 A. They were pretty organized. The war was  
18 realtime. We were handling a very critical segment for  
19 Al-Morrell. What they would do is they had something  
20 called a convoy status, convoy log sheet.

21 Q. A convoy log sheet?

22 A. Yes.

23 Q. So what would happen is from time to time  
24 they would send e-mails and telephone calls that they  
25 needed five trucks to go, for example for VBC, Victory

1 Base Camp, to give you an example. I would get a  
2 telephone call saying to load up five trucks with  
3 resins and body caps or lumber or crates to ship to  
4 VBC. So that was just like a pre-alert for me to get  
5 ready with the resources to load the cargo.

6 Once that was done, it was followed up by  
7 a convoy update report send by Al-Morrell staff, the  
8 logistics personnel in Kuwait. That sheet was being  
9 tracked universally by all involved in Al-Morrell  
10 Development all across Iraq, in Utah, and in Kuwait,  
11 the convoy log sheet, and would then be circulated to  
12 everybody. It would be updated on a daily basis,  
13 giving tracking status of where it was.

14 So for example, the e-mail came in the  
15 morning that five trucks needed to be loaded. By  
16 afternoon a convoy status log sheet would be sent to  
17 everybody. I would update it, send it back to  
18 Al-Morrell. Al-Morrell would then publish it  
19 universally for everybody to know where this was  
20 coming. I think the reason they did that was so that  
21 at the back end they had an order to get 10,000 bottles  
22 of water ready, everybody wanted to know when the  
23 material would reach to get this done.

24 Q. So was the nature of the cargo that was  
25 transported all related to the water bottling business

1 of Al-Morrell Development?

2 A. Only the water bottling business.

3 Q. And all services provided by Global  
4 Freight to Al-Morrell Development were limited to the  
5 water bottling service?

6 A. Yes. Only the water bottling service.

7 Q. And was the only method that orders were  
8 placed were via e-mail and telephone calls, then?

9 A. Yes.

10 Q. And was there one set person from  
11 Al-Morrell Development that would place those orders,  
12 or was it several different people from Al-Morrell  
13 Development that placed those orders?

14 A. It was one or two set people.

15 Q. Who were those people that placed the  
16 orders?

17 A. They changed from time to time. But if I  
18 remember, it started off with Tom Owen, James Morris,  
19 Johnny Nahas, N-A-H-A-S, Anthony Yob.

20 Q. Do you know how to spell the last name?

21 A. Y-O-B. And Ibrahim Najjar.

22 Q. And to the best of your recollection, are  
23 these the only people that you received orders from  
24 Al-Morrell Development from?

25 A. Dan Hobson. I will add here that while we

1 provided a warehouse to Al-Morrell, we also leased them  
2 an office inside our warehouse. So their staff would  
3 actually come to work and work from our warehouse. So  
4 if not a telephone or e-mail, like during the wartime  
5 scenario, if they had an emergency loading to do, they  
6 would just walk up to -- we are in the same office and  
7 they would walk up to the Global Freight supervisor and  
8 say, "Load this."

9 Q. Okay. So was the Al-Morrell Development  
10 warehouse that they used with their office, it was on  
11 site at Global Freight?

12 A. It's the other way around. The Global  
13 Freight warehouse, we have office complexes or office  
14 rooms in our warehouse; we leased an office to  
15 Al-Morrell to run the operations from there.

16 Q. Okay. And that was on site at Global  
17 Freight?

18 A. Yes.

19 Q. Okay. So they could interact with you  
20 face-to-face as needed?

21 A. Yes. For example, during the war if they  
22 got a call saying that they needed lumber, they would  
23 just walk by and say, "Hey, guys, load this truck. It  
24 has to go tomorrow morning." They e-mail all the  
25 convoy status.

1 Q. Just so I'm clear, the only individuals  
2 that Global Freight received orders from, from  
3 Al-Morrell Development, were Tom Owen, James Morris,  
4 Johnny Nahas, Anthony Yob, Ibrahim Najjar, and Dan  
5 Hobson?

6 A. Correct.

7 Q. Who received those orders on the Global  
8 Freight end?

9 A. I did.

10 Q. And were you the only one that received  
11 those orders?

12 A. Yes.

13 Q. And was that in your capacity as --

14 A. Manager of logistics.

15 Q. Manager of logistics. Okay. And during  
16 the whole time that Global Freight provided services to  
17 Al-Morrell Development, you were manager of logistics?

18 A. Correct.

19 Q. It was after the end of the relationship  
20 that you moved to head of operations.

21 A. Correct.

22 Q. Is there anyone else at Global Freight  
23 that ever could have received any of these orders or  
24 that would have received these orders?

25 A. No. If anybody else received, I was



1 copied on the e-mail. But I think I was the only point  
2 of contact.

3 Q. Okay. So once the order was received and  
4 the service provided, there was then a bill sent to  
5 Al-Morrell Development for the service provided?

6 A. Yeah. Like I explained to you earlier,  
7 there was a convoy status report that was maintained on  
8 a daily basis by Al-Morrell. And this basically --  
9 what I would do is at the end of each month, based on  
10 the actual movement for that month, it would involve  
11 various segments. It would involve warehousing,  
12 trucking, clearing, forwarding. I would prepare a log  
13 sheet and I would call it an invoice log sheet. I  
14 would send it to the local representative, Dan Hobson,  
15 since he was the senior most, and his staff. They  
16 would have it checked up and then they would send it  
17 for clearance.

18 Once that was approved, they would come  
19 back to me and say that, okay, the log sheet is  
20 approved. They would wait for a couple of days, get  
21 purchase order numbers against that service that was  
22 provided. And I would raise an invoice and reference  
23 those purchase order numbers for the internal process  
24 to get paid.

25 Q. Okay. So the purchase orders that were

1 prepared by Al-Morrell Development would be based on  
2 the log sheet that came from the convoy log?

3 A. Right.

4 Q. That's how that worked?

5 A. I don't know what they did on their side.  
6 I just know what I did.

7 Q. Okay.

8 A. I sent them a log sheet. They verified  
9 the log sheet. Once that was done, they would ask me  
10 to go ahead and invoice them and they would give me  
11 purchase order numbers to put on my invoice for that to  
12 be processed in Utah.

13 Q. Okay. All right. When the cargo was  
14 received by Global Freight, Al-Morrell Development  
15 cargo was received by Global Freight, how did that  
16 work?

17 A. I'm not sure I understand what you're  
18 asking.

19 Q. So I'm assuming that this cargo that was  
20 delivered was -- it sounds like that's sent from  
21 somewhere to this warehouse, Global Freight's  
22 warehouse. And Global Freight warehouses the cargo for  
23 Al-Morrell Development; is that correct?

24 A. Right.

25 Q. Did that just show up and Global Freight

1 would store it in the warehouse, or did it require some  
2 communication between Al-Morrell Development and Global  
3 Freight to coordinate the receipt and storing of that  
4 cargo that was sent?

5 A. We would get a pre-alert, ten containers  
6 in the port waiting for clearance, and we needed  
7 manpower and resources to get that into the warehouse.

8 Q. Okay. So it would usually come via ship on  
9 a container, and Global Freight would go down and  
10 retrieve it from the dock and bring it to the  
11 warehouse?

12 A. We had -- put it this way: We had no idea  
13 how much was coming, when it was coming. It was 24  
14 hours notice. We didn't know where it was coming from,  
15 either, or what was coming. My job was just -- the  
16 contract was that once it would get to the Kuwait port,  
17 it would clear it and would come to my warehouse.

18 Q. Okay. When did the relationship between  
19 Global Freight and Al-Morrell Development end?

20 MS. WILDE: Objection. Vague.

21 Q. Okay. You can still answer.

22 A. Can you repeat it?

23 Q. Yeah. When did the relationship between  
24 Global Freight and Al-Morrell Development end?

25 MS. WILDE: Same objection.

1 A. I'm not sure I understand the question.

2 Q. So Global Freight started providing  
3 services to Al-Morrell Development I guess formally  
4 pursuant to the contract in June of 2011 is your  
5 testimony so far.

6 A. Correct.

7 Q. When did Global Freight stop providing  
8 those services to Al-Morrell Development?

9 A. Probably end of April sometime. March,  
10 April.

11 Q. Of what year?

12 A. 2012.

13 Q. And why -- what led to the end of Global  
14 Freight providing those services to Al-Morrell  
15 Development?

16 A. We were not getting paid. After repeated  
17 requests, we were not getting paid. So we didn't cease  
18 services but I don't think requests were coming forward  
19 for services, either.

20 Q. So Global Freight stopped receiving  
21 requests when?

22 A. Probably after April 2012.

23 Q. Okay. Are you familiar with an entity by  
24 the name of Bright Pearl?

25 A. Now I am.

1 Q. You are now? How did you become familiar  
2 with the entity Bright Pearl?

3 A. Between April and, say, July, after  
4 various requests at all levels requesting for payment,  
5 we -- I was in Africa. I got a call from the local  
6 manager then, Ibrahim, saying that he wanted to meet up  
7 with me. This was the end of July.

8 Q. Can I stop you for one second? April and  
9 July, you're talking 2012, correct?

10 A. Right.

11 Q. That's the time period. Ibrahim, was he  
12 working for Al-Morrell Development at the time?

13 A. Yes, he was.

14 Q. Okay. And so he contacted you.

15 A. Yes.

16 Q. And do you know specifically when he would  
17 have contacted you?

18 A. The 30th of July.

19 Q. Okay.

20 A. He tried to contact me. I was in Africa  
21 so I sent him an e-mail that I'm going to be back in a  
22 couple days and I would meet him when I got back to  
23 Kuwait, so 31st of July.

24 Q. Okay. And you ultimately met with him?

25 A. I did meet with him.

1 Q. And why did he want to meet with you?

2 A. He wanted to revive or start using our  
3 services again.

4 Q. Okay. And when you met, what was the  
5 nature of that conversation about? I mean, what did he  
6 say?

7 A. He said that, "We are working to get you  
8 paid. Al-Morrell is working to get you paid. Right  
9 now we could still do business together." He wanted me  
10 to write an e-mail to I think one of his seniors. I  
11 think Dan Hobson had left the company by that point in  
12 time. And there was a gentleman by the name of Paul  
13 Nelson who was heading the Iraq and Kuwait operations.

14 I wrote an e-mail to Paul Nelson, and Paul  
15 Nelson -- and my terms were yes, we would continue to  
16 support giving them services on the requirement that  
17 they paid us in advance, because they had outstanding  
18 dues.

19 Paul Nelson replied to me on an e-mail and  
20 he very specifically mentioned that I should consign  
21 the shipment to Bright Pearl, and that's the first time  
22 I got to know Bright Pearl. That's to answer your  
23 primary question. That's the first time I got to know  
24 what Bright Pearl was. But the instruction was simple.  
25 He just said that we continue to do business. I will

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30

1 make sure or, if you want -- can I look for something?

2 Q. Sure. Yeah.

3 A. I will tell you what exactly Paul Nelson  
4 said to me.

5 Can I just read this out?

6 Q. Can I ask you a couple questions before  
7 you do? Have you previously produced those documents  
8 to your attorney?

9 A. A whole set of documents. Maybe some she  
10 has. I'm not sure. Maybe she has. I'm not sure about  
11 that.

12 Q. I guess I'd just request that we get  
13 copies. To the extent they haven't been produced, if  
14 you could just provide us copies.

15 MS. WILDE: And I anticipated you would  
16 ask, so I actually have a binder for you.

17 MR. HANSEN: Great. Thanks. One step  
18 ahead.

19 A. I wrote this e-mail on August 10th to Paul  
20 Nelson, copied it to Ibrahim, Alan Morrell, Corey  
21 Larson, and Andrew Saunders. Those were the people at  
22 that time at Al-Morrell. I wrote that we were willing  
23 to cooperate and support your logistics requirement.  
24 Okay? And invoice in the name of Bright Pearl. I also  
25 explained to him that our existing contract expired on

1 15 July, 2012.

2 And AMD, AMD has materials still stored in  
3 our warehouse which was incurring a monthly rental fee.  
4 You could read the rest later.

5 And then, "Finally, based on a telephone  
6 conversation with you and Ibrahim we have been told AMD  
7 has sorted out the issues in Iraq and our long  
8 outstanding payments will be cleared."

9 To this e-mail, Paul Nelson's reply says,  
10 "Thanks Anthony. He is asking Ibrahim a few things.  
11 And then he says, "Anthony, anything related to Bright  
12 Pearl, we need to receive a pro forma invoice in  
13 advance to include banking details, submit it to  
14 Ibrahim."

15 And then he writes, "Correct, we are still  
16 working on the finer details with our Iraqi partner so  
17 Al-Morrell can pay all creditors, but at present we do  
18 not have a date. Please continue to follow up so we  
19 can give you current information."

20 Q. Can I look at that just real quick?

21 A. Sure.

22 Q. Thank you.

23 (Discussion off the record.)

24 (EXHIBIT 23 WAS MARKED.)

25 Q. I'm going to show you what's been marked



1 as Exhibit 23. You were previously discussing an  
2 e-mail correspondence between you and Mr. Nelson, Paul  
3 Nelson.

4 A. Right.

5 Q. And is Exhibit 23 the e-mail correspondence  
6 you were referencing in your testimony?

7 A. Yes.

8 Q. And it was in this e-mail correspondence  
9 that you first learned of Bright Pearl?

10 A. Correct.

11 Q. Okay. Can I see that for just a second?

12 A. Sure.

13 Q. And so by virtue of this e-mail  
14 correspondence, did this start a relationship between  
15 Global Freight and Bright Pearl?

16 A. No.

17 Q. Did Global Freight ever provide services  
18 to Bright Pearl?

19 A. To answer your question, the way we  
20 understood it was that Al-Morrell was making bottles of  
21 water for the U.S. military. Okay? The bottles of  
22 water were exactly like this glass, okay? They would  
23 be sealed, with no label.

24 Bright Pearl was a brand with a sticker  
25 that came on the bottle. That was in August of 2012.

1 To my understanding it was Al-Morrell selling a product  
2 called Bright Pearl.

3 Q. Okay. And what was your basis for that  
4 understanding?

5 A. My limited knowledge that it was a sticker  
6 which I saw and which would be wrapped around the  
7 bottle.

8 Q. But in your e-mail to Mr. Nelson dated  
9 August 10, you say, "We can work on sending you an  
10 invoice in the name of Bright Pearl for Purifying &  
11 Bottling Water, Limited." So did you wonder why they  
12 wanted to change the name of the invoice?

13 A. See, my job was to continue to give them  
14 services, not to question how they operated in Iraq.

15 Q. Okay.

16 A. So legally, in August 2012, if you go to  
17 the e-mail, with the U.S. military not being there the  
18 shipment would now go to a commercial route. It would  
19 go as commercial cargo into Iraq, which would include  
20 customs and all the other processes involved when you  
21 move in the country.

22 Q. So because the U.S. military had withdrawn  
23 from Iraq, you are no longer working under the military  
24 category.

25 A. Right.

1 Q. You have now moved to the commercial  
2 category.

3 A. I assumed Al-Morrell moved to the  
4 commercial category.

5 Q. Okay. Did you ever ask anyone at  
6 Al-Morrell Development or Bright Pearl why; what was  
7 going on, why there was a change in the name?

8 A. No, I didn't ask about that.

9 Q. You reference in this e-mail that there  
10 were existing materials in a warehouse.

11 A. Right.

12 Q. Whatever happened to those materials that  
13 were in the warehouse after this e-mail?

14 A. We shipped them subsequently.

15 Q. Shipped them where?

16 A. To Al-Morrell.

17 Q. For use in the bottled water manufacturing?

18 A. Yes.

19 Q. You ask in this e-mail, it then says,  
20 "Further additional material in the form of labels and  
21 glue which is scheduled to arrive will also incur  
22 storage charges. Please let me know how you want this  
23 billed and how you intend to renew the service  
24 agreement post 15 July '12." How was Global Freight  
25 told that this was to be billed?

1           A.       I don't understand.

2           Q.       So in this e-mail you ask how they would  
3 like the additional material in the form of labels and  
4 glue which is scheduled to arrive and incur storage  
5 charges, you asked them how they would like those  
6 storage charges billed. What was the response to your  
7 question on how they want the storage charges billed?

8           MS. WILDE: Can I look at it?

9           MR. HANSEN: Yeah. Sorry. I'm talking  
10 about the last sentence right here where it starts  
11 "further," to the end of the paragraph there.

12          THE WITNESS: Okay.

13                 While we were following up for a payment,  
14 you see there was cargo which mentions approximately  
15 \$550. There was a few pallets, not containers, that  
16 was there. Between March and July everything kept  
17 getting downsized.

18                 Now, since this was still in our warehouse  
19 and it was incurring a storage of \$550, which we needed  
20 to get paid for. So that's the reason I'm asking the  
21 question to Paul Nelson is, "You must be aware that  
22 there is cargo in our warehouse and it is incurring  
23 storage of \$550 a month." And if Al-Morrell had not  
24 paid on previous invoices my question is how does  
25 Al-Morrell want to pay the current invoices and the

1 other material that is going to be coming?

2 Q. What response did you receive from  
3 Mr. Nelson?

4 A. So that's when he says -- he then asked  
5 his own staff, Ibrahim. He said, "What raw materials  
6 are in the warehouse and what do you recommend we do  
7 with them? When is the next invoice for warehouse  
8 storage and when did Bright Pearl start storing these?"  
9 This is an internal e-mail which he sends to Ibrahim,  
10 which I don't understand.

11 But Ibrahim replies to Paul Nelson and  
12 says, "We have 1350 boxes and closure 1 pallet of boxes  
13 from Genoa that need to be shipped to Iraq. Total of  
14 two truck loads. So far nothing at GFS storage belongs  
15 to Bright Pearl." Okay? This is Ibrahim writing. "So  
16 far nothing at GFS storage belongs to Bright Pearl as  
17 whatever is coming from glue or label, once it is  
18 cleared, will be delivered to GFS warehouse, where it  
19 will be consolidated in one shipment and then moved to  
20 Baghdad."

21 Q. Okay. But you stated in your e-mail that  
22 you can work on sending an invoice in the name of  
23 Bright Pearl.

24 A. Right.

25 Q. And after the date of this e-mail, were

1       there invoices sent --

2             A.       Yes.

3             Q.       -- in the name of Bright Pearl?

4             A.       Yes.

5             Q.       And were there subsequent services  
6       provided by Global Freight to Bright Pearl after the  
7       date of this e-mail?

8             A.       Yes, there were.

9             Q.       Okay. Does Global Freight continue to  
10       provide services to Bright Pearl today?

11            A.       No. Between August and September was the  
12       only period that we -- we still assumed, not assumed,  
13       we knew for a fact that we were still working for  
14       Al-Morrell. And one of the reasons we decided to lend  
15       support was that we -- if you see Paul Nelson himself  
16       writes an e-mail where he says, "I'm working to get you  
17       paid." So we trusted Paul Nelson's word that he would  
18       work to get us paid. And he said that any service that  
19       we do for Bright Pearl between now and, we did it in  
20       August, we would get paid. But when we didn't get paid  
21       and we started the litigation process, probably in  
22       October, November, then we ceased all services even for  
23       Bright Pearl.

24            Q.       So you said that you knew during August  
25       and September you were working for AMD?

1           A.       Yes. Because the staff in Kuwait was --  
2 he kept telling me that he was still on the AMD  
3 payroll.

4           Q.       What staff in Kuwait was telling you that?

5           A.       Ibrahim Najjar.

6           Q.       Is he the only one that was telling you  
7 that?

8           A.       He was the only one at that time. Most of  
9 them had left because the operations had downsized to a  
10 great extent.

11          Q.       When you say the operations were downsized  
12 to a great extent, what do you mean by that? What was  
13 happening that led you to believe the operations were  
14 downsized to a great extent?

15          A.       Because Ibrahim was the only person in  
16 Kuwait working for Al-Morrell at that time.

17          Q.       So did you notice a change in the people  
18 you were working with over that period of time then?

19          A.       Ibrahim was there right from day one of  
20 the start of the contract. He was with Al-Morrell for  
21 maybe five, six plus years. So when Tom Owen was  
22 involved, he was involved at that stage. So for me, he  
23 was still the face of Al-Morrell in Kuwait.

24          Q.       Did you ever ask Ibrahim why those other  
25 people were no longer working with him?

1 A. It was not my business to ask him.

2 Q. Okay. Earlier you said that in your  
3 conversation with Paul Nelson that he said something to  
4 the effect or something about consigning a shipment to  
5 Bright Pearl.

6 A. Right.

7 Q. Were you talking about what is stated in  
8 this e-mail?

9 A. Yes.

10 Q. And his request to be invoiced or for you  
11 to issue invoices in the name of Bright Pearl.

12 A. Yes.

13 Q. Okay. Were the services that Global  
14 Freight provided to Bright Pearl, were they the same as  
15 the services that were provided to Al-Morrell  
16 Development?

17 A. Yes. Same.

18 Q. Did Global Freight ever approach Bright  
19 Pearl about the payment of the outstanding invoices  
20 from Al-Morrell Development between January 2015 and  
21 July 2015 -- strike that. That's a bad question.

22 So as part of this lawsuit, Global Freight  
23 is seeking payment from outstanding invoices from  
24 January 2012 to July 2012, correct?

25 A. No. From October 2011 to April or March



1 of 2012.

2 Q. Okay. So I'm talking about just the  
3 invoices in 2012 that Global Freight is seeking to  
4 collect.

5 A. We are seeking to collect invoices from  
6 October 2011 to March 2012.

7 Q. I understand. But my question, though,  
8 just deals with the outstanding invoices for 2012.

9 A. Right.

10 Q. And the question is this: Did Global  
11 Freight ever contact Bright Pearl to inquire about  
12 payment of those 2012 outstanding invoices?

13 A. Somewhere between -- if I get the date  
14 right. Somewhere between -- yes, between April and  
15 July we finally got an e-mail towards the end of July  
16 from the staff accountant, Corey Larson, in Utah. He  
17 put his hands up basically and he said, "Listen, guys."  
18 Because until that time he kept promising that  
19 something would happen. He said in several e-mails, he  
20 either told me to follow up or he said just hold on,  
21 and weeks became months.

22 Subsequently, it was the end of July he  
23 basically gave up and he gave me three contacts. One  
24 was Alan Morrell, Paul Nelson, and another gentleman I  
25 don't remember. He said, "Go to these guys for your

1 payment and they will help you."

2 At that point in time we started e-mails  
3 and telephone calls to Alan Morrell. In between, I was  
4 put on a different project in Africa. So one of our  
5 deputy general managers by the name of Mohan wrote an  
6 e-mail to Alan. And by that time he initiated a lot of  
7 correspondence with the U.S. Embassy with D.C. in  
8 Kuwait and other authorities to try to pursue payment.  
9 Very specifically Alan Morrell replies to the e-mail  
10 and he said that he would -- that he is not responsible  
11 to pay us and we should contact Anthony Dsouza for our  
12 money.

13 Here. The document speaks for itself.

14 Q. Can we mark this one?

15 MS. WILDE: Yeah. Let me find it.

16 MR. HANSEN: I have seen most of this.  
17 It's just this e-mail up here that I don't think I have  
18 seen before that he has highlighted there.

19 (Discussion off the record.)

20 (EXHIBIT 24 WAS MARKED.)

21 Q. I'm going to -- on this e-mail that's  
22 dated November 12, 2012 between Alan Morrell, it looks  
23 like it is sent to Mohan.

24 A. Right.

25 Q. And there's several other individuals that

1 are copied, including yourself --

2 A. Right.

3 Q. -- on this e-mail.

4 A. Yes.

5 Q. And in the e-mail Alan suggests to Mohan,  
6 in the third paragraph down it said, "I would recommend  
7 you continue to work with Mr. Anthony Dsouza and with  
8 Bright Pearl."

9 A. Right.

10 Q. So when the recommendation was to work  
11 with Bright Pearl on that, did you ever contact Bright  
12 Pearl about any of the invoices that were owed for  
13 2012?

14 A. No. For us, Alan Morrell was the face of  
15 whom we had to talk to. We were not given any contacts  
16 of Bright Pearl.

17 Q. So when they said -- you are seeking  
18 payment with these e-mails, correct?

19 A. Right.

20 Q. And Alan offers a solution of meeting with  
21 Mr. Anthony Dsouza or Bright Pearl. You are saying you  
22 didn't know anything about Bright Pearl?

23 A. No.

24 Q. If Bright Pearl -- if they are suggesting  
25 that you follow up with Bright Pearl for payment, you

1 didn't bother to try to get contact information for  
2 Bright Pearl at that time?

3 A. See, we didn't know what he actually meant  
4 by Bright Pearl. For us, Bright Pearl was an  
5 Al-Morrell brand of bottled water. So for all we knew  
6 was that if anybody was to pay us, for us Al-Morrell  
7 and Bright Pearl were the same company.

8 Q. Okay.

9 A. We didn't look at it as different  
10 companies.

11 Q. Okay.

12 (EXHIBIT 25 WAS MARKED.)

13 Q. Can you take a minute and look at the  
14 document that's been marked Exhibit 25.

15 A. Yes.

16 Q. Can you tell me -- I may not pronounce  
17 this name correctly, but can you tell me who Mr. Selah  
18 is to whom this e-mail is directed?

19 A. I think he was probably one of the  
20 operations guys working who would normally coordinate  
21 for trucks through Ibrahim.

22 Q. Okay.

23 A. He was the guy that was probably receiving  
24 it in Iraq.

25 Q. Okay. And this e-mail indicates that you

1 had been working or dealing with Mr. Selah for  
2 Mr. Saleh's logistics requirements?

3 MS. WILDE: Objection. Foundation.

4 A. I didn't understand your question.

5 Q. Okay. In the first line of the e-mail  
6 there it says, if I read the first part of the e-mail,  
7 it says, "Dear Mr. Selah, you have currently been  
8 dealing with my colleague Anthony Dsouza for your  
9 logistics requirements."

10 A. Yes.

11 Q. Do you recall working with Mr. Selah?

12 A. Ibrahim Najjar was the representative in  
13 Kuwait, and we needed a point of contact in Baghdad to  
14 receive the trucks. So on the few occasions we worked,  
15 he was probably the person who received the trucks.

16 Q. Okay. When did you start working with  
17 Mr. Selah?

18 A. I'm not sure. The primary point of  
19 contact was still Ibrahim. He was the person who was  
20 giving answers to my drivers and trucks in Iraq,  
21 because they had to come on base and he was the point  
22 of contact for us.

23 Q. Okay.

24 A. So his role was on and off. The primary  
25 contact was with Al-Morrell staff, Ibrahim Najjar in

1 Kuwait. He was the guy who was doing the logistics in  
2 Iraq. So if Ibrahim gave me the orders for Bright  
3 Pearl, and again it was four or five shipments, we  
4 moved it across and he was the guy that coordinated the  
5 logistics to get the drivers inside, look after the  
6 drivers, make sure they had the gate passes, that sort  
7 of thing.

8 Q. Do you remember when you first came into  
9 contact with Mr. Selah?

10 A. I don't remember. I don't remember.

11 Q. Do you remember working with Mr. Selah  
12 prior to January of 2012?

13 A. No.

14 Q. It looks like, if I continue to read this  
15 e-mail, continuing after that first sentence that I  
16 read, it says, "I now write to advise you that this  
17 shipment of labels, nails, et cetera that is in our  
18 warehouse has been put on hold by our group corporate  
19 finance and legal department." The labels and nails,  
20 et cetera, is that the type of cargo that Global  
21 Freight was distributing throughout Iraq?

22 A. Part of the cargo.

23 Q. Part of the cargo.

24 A. Yes.

25 Q. And so at this point in time it looks like

1 Mohan is sending this e-mail to Mr. Selah to notify him  
2 that those items were placed on hold and they are not  
3 going to take any further action until the outstanding  
4 balance is paid?

5 A. I didn't understand again.

6 Q. If I read this e-mail, that same sentence,  
7 it says, "I now write to advise you that this shipment  
8 of nails, labels, et cetera that is in our warehouse  
9 has been put on hold by our group corporate finance and  
10 legal department."

11 A. As part of this?

12 Q. It's Exhibit 25.

13 A. Okay. And what is your question on this?

14 Q. So on the second -- let me back up a  
15 couple steps here. You previously testified that you  
16 stopped, that Global Freight stopped receiving orders  
17 from Al-Morrell Development in March or April of 2012,  
18 correct?

19 A. Correct.

20 Q. Okay. So this e-mail is dated November  
21 12, 2012.

22 A. Right.

23 Q. And in this e-mail Global Freight is  
24 corresponding with Mr. Selah regarding some items that  
25 are warehoused.

1 A. Right.

2 Q. Labels, nails, et cetera is what the  
3 e-mail states. And that those items have been put on  
4 hold by Global Freight's corporate finance and legal  
5 department.

6 A. Correct.

7 Q. At this point in time, if Global Freight  
8 had not been receiving any orders from Al-Morrell  
9 Development, who did it think it was dealing with with  
10 regard to these items that were warehoused?

11 A. I think in your previous questions I  
12 already mentioned the sequence of events. When I came  
13 back from Africa in July, Ibrahim Najjar, formerly of  
14 Al-Morrell, contacted me to provide services for  
15 Al-Morrell. And these are the shipments that were  
16 generated by Al-Morrell prior to my e-mail with Paul  
17 Nelson in August when I confirmed that I would be doing  
18 some work for him.

19 Q. What was the result of the hold being  
20 placed on those items in the warehouse?

21 A. Nothing. We still didn't get paid.

22 Q. Do the items still sit in the warehouse?

23 A. Yes, they do.

24 Q. If I move down the e-mail, there's a  
25 paragraph that starts, "Various people in your



1 organization." It's about halfway down through the  
2 e-mail. Do you see where I'm at?

3 A. Yes.

4 Q. It says, "Various people in your  
5 organization have repeatedly given us either promises  
6 of payment that were supposed to be due imminently, or  
7 unacceptable excuses for nonpayment." Do you know who  
8 the various people referenced in that e-mail are?

9 A. No. But it would be all Al-Morrell staff  
10 that we repeatedly sent e-mails to and made telephone  
11 calls to, right through the period March to November  
12 2012.

13 Q. Did Global Freight ever receive a payment  
14 from Bright Pearl after it started invoicing in the  
15 name of Bright Pearl?

16 A. If you see my e-mail to Paul Nelson, it  
17 very clearly specifies that we would do business only  
18 on an advanced payment. So how it worked for the four  
19 or five shipments that we did was Ibrahim Najjar, the  
20 Al-Morrell employee in Kuwait, would request our  
21 services. I would give him a quotation. He would get  
22 it approved. Once it got approved I would raise an  
23 invoice. He would pay me all the money, or they would  
24 send me a wire transfer, and then we would perform the  
25 service.

1 Q. Okay. So why wouldn't you have  
2 received -- why wouldn't Global Freight have received  
3 advance payment on this shipment of labels and nails  
4 that the hold was placed on then?

5 A. Can you repeat your question, please?

6 Q. Yeah. So if you were doing work with  
7 Bright Pearl starting in about August or September of  
8 2012, correct?

9 A. Right.

10 Q. This e-mail which is sent to Mr. Selah at  
11 pearlIraq.com is talking about a shipment of labels and  
12 nails et cetera that is in the warehouse that has been  
13 put on hold by your group.

14 A. Right.

15 Q. Was there advance for those warehousing  
16 services? Was advance payment required?

17 A. Yes.

18 Q. Okay. So what you were saying here is  
19 that you are refusing to distribute it until the  
20 outstanding balance has been resolved?

21 A. Correct.

22 Q. Okay. Did you understand that Mr. Selah  
23 was with Bright Pearl?

24 A. No.

25 Q. So when you saw that his e-mail said Maan.

1 Saleh@brightpearl.com --

2 A. See, for us Bright Pearl was just a brand,  
3 like I explained earlier. It was just a brand that  
4 Al-Morrell shipped after the withdrawal of the U.S.  
5 forces. It was -- so to give you an example, if this  
6 was the military camp which Al-Morrell operated in  
7 Iraq, companies, whether American companies or European  
8 companies, who operated here had immunity from  
9 commercial operations in Iraq. Once this veil was  
10 lifted, all companies, including Al-Morrell, needed to  
11 register with the chamber of commerce for the Iraqi  
12 government.

13 Through the local staff, we got to know  
14 that Bright Pearl was now just the Iraqi name for  
15 Al-Morrell in Iraq, as was required by law for any  
16 company to work, to operate commercially in a country.  
17 So for us, it was still Al-Morrell we were dealing  
18 with.

19 Q. Okay.

20 (EXHIBIT 26 WAS MARKED.)

21 Q. Would you take a look at what's been  
22 marked as Exhibit 26, please. Have you seen this  
23 document before?

24 A. Yes, I have.

25 Q. And did you participate in preparing that

1 document at all with your attorney?

2 A. We submitted information that our  
3 attorneys requested. And based on what we submitted,  
4 they helped us draft the Complaint.

5 Q. Okay. I just want to go over a few of the  
6 specific allegations that are in the Complaint, if we  
7 could start with paragraph 20 on page 4. So paragraph  
8 20 states, "Instead, AMD formulated and executed a plan  
9 to contract debts with Plaintiffs, and avoid paying  
10 Plaintiffs the amount owed to them under their  
11 respective agreements by transferring AMD's assets, in  
12 an effort to put them outside the reach of its  
13 creditors, including Plaintiffs." What information did  
14 you rely on in making that allegation there?

15 A. I think this happened through the  
16 discovery or during the course of our litigation.

17 Q. So you believe this information was  
18 discovered after the filing of the Complaint?

19 A. Yes.

20 Q. Okay. But this Complaint was filed --  
21 this was filed in October of 2014.

22 A. Right.

23 Q. Before any discovery had commenced.

24 A. Right.

25 Q. So prior to discovery taking place, what

1 knowledge, what information was available to Global  
2 Freight to make that allegation in paragraph 20?

3 A. I'm not sure I understand your question  
4 again.

5 Q. I guess what I'm looking for is the facts  
6 or information that Global Freight relied upon prior to  
7 the commencement of this litigation to make that  
8 allegation against Al-Morrell Development and Anthony  
9 Dsouza.

10 A. I'm sorry. I'm still lost.

11 Q. Let me break it up a little bit. It might  
12 take me a minute to figure out how I'm going to do it.

13 So the allegation here is that Al-Morrell  
14 Development basically planned to transfer its assets in  
15 advance to avoid paying its creditors. That's the  
16 substance of the allegation here. I'm wondering what  
17 information Global Freight relied upon, prior to any  
18 discovery taking place, to support that allegation.  
19 What information was available to you? What facts?  
20 What had you heard that led you to that conclusion to  
21 make that allegation?

22 A. We didn't hear anything. The only thing  
23 we knew was that we were running from pillar to post to  
24 get paid. And when we decided to -- we started off  
25 initially by writing letters to the U.S. government, to

1 the U.S. Embassy, to the DCMA, and then they advised us  
2 to go to the litigation process in the United States.  
3 That's when we first hired a lawyer in New York City  
4 who worked with us for the last 25 years. And he was  
5 the one who first contacted Anthony Dsouza. And I  
6 think that's when the discovery process came into play.  
7 And then we compiled the complaint based on what was  
8 said.

9 Q. Okay. So maybe you and I were on  
10 different pages when you said "discovery process." So  
11 when you say the discovery process, are you saying  
12 starting with your attorney in New York who reached out  
13 to Anthony Dsouza and information that he obtained?

14 A. Yes.

15 Q. Okay. What is it that led you to believe  
16 that the only reason or that the reason AMD transferred  
17 its assets was to put them out of the reach of its  
18 creditors?

19 A. Can you simplify that question, please?

20 Q. I can try. So the allegation here is that  
21 the reason that AMD has transferred its assets is so  
22 that there would be nothing there for its creditors  
23 after the transfer occurred. The allegation here is  
24 that that's the reason why AMD transferred its assets  
25 was to put them out of the reach of its creditors.

1 A. Right.

2 Q. What is it that led you to believe that  
3 that's the reason why AMD transferred its assets?

4 A. Because we didn't get paid.

5 Q. Okay. So simply because you didn't get  
6 paid was the reason or what led you to that conclusion?

7 A. There's several allegations for not being  
8 paid. And after knocking all corners to seek for  
9 payment that was due to us, we began the litigation  
10 process. And during this litigation process, we got to  
11 know that one of the reasons was that we were not  
12 informed prior to the sale.

13 Q. Okay. Let's go to paragraph 72 of the  
14 Complaint. Paragraph 72 states, "On each occasion when  
15 AMD placed an order, as described above, Mr. Morrell  
16 impliedly represented to Plaintiffs that he intended  
17 that AMD would pay for the services and products that  
18 were ordered." My question is what specifically did  
19 Mr. Morrell do to make an implied representation to  
20 Global Freight that he intended AMD would pay for the  
21 services ordered?

22 MS. WILDE: Objection. Legal conclusion.

23 A. I'm not sure what you are asking again.

24 Q. So you are saying that Mr. Morrell made  
25 implied representations to Global Freight that AMD

1 would pay the invoices.

2 A. Correct.

3 Q. I want to know what those implied  
4 representations were.

5 MS. WILDE: Same objection.

6 A. I still don't understand.

7 Q. Did you ever speak directly with Anthony  
8 Dsouza?

9 A. No.

10 Q. Did anyone -- are you aware of anyone at  
11 Global Freight that had any direct communication with  
12 Anthony Dsouza?

13 A. He was a difficult man to reach.

14 Q. Okay.

15 A. His staff told us on various occasions he  
16 was the man who would finally decide when we would get  
17 paid.

18 Q. They specifically mentioned Anthony  
19 Dsouza?

20 A. Yes.

21 Q. Who was that that specifically mentioned  
22 that it was Anthony Dsouza that would make that  
23 decision?

24 A. It was the local staff. And even, in  
25 fact, I think if you see Exhibit 23 when Alan Morrell



1 says to go back to Anthony Dsouza, in November.

2 Q. Okay. He said go back to Anthony Dsouza  
3 to get payment. But he didn't say that it was Anthony  
4 Dsouza that would tell them when payment was coming.  
5 There's a difference there. So let's go back to my  
6 original question. Did anyone at Global Freight that  
7 you're aware of ever have any direct communication with  
8 Anthony Dsouza?

9 A. We were in contact with the staff who were  
10 reporting to Anthony Dsouza.

11 Q. Okay. So then it's safe to say that no  
12 one at Global Freight directly communicated with  
13 Mr. Morrell regarding payment.

14 A. Not until November 2012.

15 Q. Okay. And who communicated with him in  
16 November of 2012?

17 A. Our general manager.

18 Q. They communicated to Mr. Morrell?

19 A. Yes.

20 Q. And did Mr. Morrell respond?

21 A. No. He never responded.

22 Q. I need to be clear that when I'm  
23 referencing "Mr. Morrell" I'm talking about Anthony  
24 Dsouza.

25 A. Anthony Dsouza.

1 Q. So did Anthony Dsouza, did he ever  
2 individually place any orders with Global Freight; him,  
3 himself, pick up the phone or send an e-mail placing an  
4 order with Global Freight?

5 A. No.

6 Q. Did Anthony Dsouza ever send an e-mail or  
7 communicate with anyone else at Global Freight and say,  
8 "We will get you paid on this"?

9 A. No.

10 Q. So you were relying on representations  
11 made by AMD staff.

12 A. We were relying on the fact that he was  
13 the owner of Al-Morrell.

14 Q. Okay. But the communication was not  
15 coming from Anthony Dsouza. It was coming from AMD  
16 staff?

17 A. Yeah. At that time we still believed him  
18 to be a respectable man. We still believed him to be a  
19 man of his word. We still believed Al-Morrell to be an  
20 American company that would honor their contracts. So  
21 we didn't go up the chain directly with him. We  
22 started with the chain of command, and when we got no  
23 response from the chain of command right through  
24 November 2012, then we directly started approaching  
25 Anthony Dsouza.

1 Q. And you stated that when you started  
2 directly approaching Anthony Dsouza, did he ever  
3 respond and say, "I'll take care of it, I'll get you  
4 paid"?

5 A. No. He would just ignore e-mails.

6 Q. So you implied in a prior answer that AMD  
7 staff who Global Freight was communicating with  
8 indicated that it was Anthony Dsouza that would  
9 determine whether or not they received payment.

10 A. He was the boss.

11 Q. But did any staff at Al-Morrell  
12 Development specifically say, "We are waiting for  
13 approval from Anthony Dsouza to get you paid"?

14 A. The word they used was "home office."

15 Q. Okay. But do you know what level of  
16 management was over the home office for Al-Morrell  
17 Development?

18 A. We assumed that it was the owner of the  
19 company.

20 Q. You presumed that?

21 A. Yes, we did.

22 Q. So other than what we have discussed here,  
23 was there any other form of communication that led you  
24 to believe that Anthony Dsouza was making implied  
25 representations that Global Freight would be paid?

1           A.       The last e-mail we got was from Alan  
2 Morrell. We didn't know who he was at the time. We  
3 thought he was his brother because he had the same  
4 family name. Later on he told us in a telephone call  
5 that he is just a nephew, and we should contact his  
6 uncle, and he is the one responsible to pay.

7           Q.       What was that e-mail? You said the last  
8 e-mail you got. What date was that?

9           A.       I think it's already in Exhibit 23. This  
10 was in November 2012.

11                   MS. WILDE: What Exhibit?

12                   THE WITNESS: Exhibit 24.

13           Q.       Can I take a look at that, please?

14           A.       The one which was highlighted earlier.

15           Q.       So the statement you are referencing is  
16 where Alan Morrell states, "I would recommend you  
17 continue to work with Mr. Anthony Dsouza and with  
18 Bright Pearl"?

19           A.       I would make Alan Morrell several calls in  
20 a day, because he was the contact we had. Paul was not  
21 reachable during this period. We didn't know how to  
22 get in touch with him. We sent him e-mails. Alan, we  
23 had a telephone number given to us by Al-Morrell Utah  
24 head office. He, after giving him maybe five or six  
25 calls, he would pick up a call from a different number.

1 And during these conversations he mentioned that he was  
2 just an employee of Al-Morrell and we should go after  
3 Anthony Dsouza, his uncle, who will pay us.

4 Q. Okay. So he directed you to Anthony  
5 Dsouza, correct?

6 A. Yes, he did.

7 Q. But he didn't tell you that Anthony Dsouza  
8 was telling him not to pay you.

9 A. I didn't understand again.

10 Q. Alan never said to you, "We are not going  
11 to pay you," meaning Global Freight, "because Paul is  
12 telling us not to pay"?

13 A. English is again worded differently, but  
14 from what -- it depends how you want to read it. But  
15 what he specifically mentions from this e-mail is my  
16 understanding, as somebody who has not got paid, is,  
17 "Anthony Dsouza is the person who is going to pay you  
18 and you should not bother me, but go after him."

19 Q. That's your understanding of Exhibit 24.

20 A. Right.

21 Q. Okay. So aside from Exhibit 24, is there  
22 any other communication that you believe constitutes an  
23 implied representation from Anthony Dsouza that AMD  
24 would pay for the services and products that were  
25 ordered?

1           A.       Yeah. The last person in Kuwait was  
2           Ibrahim Najjar. He was the only representative in  
3           Kuwait towards the end of November 2012. And I would  
4           visit him or meet him frequently, almost once a week,  
5           to find out the status of the payment. And all the  
6           meetings he just said he was -- he kept mentioning to  
7           me that he wasn't in touch with Paul. He would make  
8           several phone calls to Anthony Dsouza, and he would  
9           continue to pursue with Anthony Dsouza to get us paid.

10          Q.       Okay. Do you know where Ibrahim is  
11          currently?

12          A.       He is in Kuwait.

13          Q.       And who does he work for now?

14          A.       He works for a local company. I can't  
15          remember the name.

16          Q.       Okay. And is it in the same type of  
17          industry?

18          A.       Yes, it's the same type of industry.

19                   MR. HANSEN: Can we take a short break?

20                   MS. WILDE: Sure.

21                   (Break taken from 10:27 to 10:38 a.m.)

22          Q.       So I'll take you back to the Complaint,  
23          Anthony. And let's move to Paragraph 81. Are you  
24          there?

25          A.       Yes.

1 Q. So Paragraph 81 of the Complaint states,  
2 "While he controlled AMD, Mr. Morrell caused AMD to  
3 dishonor, repudiate or otherwise breach its contract  
4 with Plaintiffs." My question is what specifically did  
5 Mr. Morrell do to cause AMD to dishonor, repudiate or  
6 breach its contract with Global Freight?

7 A. He didn't pay us what was due to us.

8 Q. Okay. And is that the sole basis for that  
9 allegation is that he did not pay?

10 A. Yes.

11 Q. Are you aware of anything else or are  
12 there any other facts that Global Freight is relying on  
13 to claim that Mr. Morrell did something to cause AMD to  
14 dishonor, repudiate or otherwise breach its contract  
15 with Global Freight?

16 MS. WILDE: Objection to the extent it  
17 calls for him to make a legal conclusion.

18 A. Could you repeat that again, please?

19 Q. Yes. So you've told me that one basis for  
20 the allegation in Paragraph 81 is that Mr. Morrell did  
21 not pay the amount owed. I'm wondering, is there any  
22 other basis out there for Global Freight's allegation  
23 that Mr. Morrell caused AMD to dishonor, repudiate or  
24 otherwise breach its contract with Global Freight.

25 A. He would not respond to any communication

1 that we tried numerous ways to get in touch with him.

2 Q. Okay.

3 A. We tried e-mail, we tried telephone, we  
4 wrote to various people. But he just wouldn't come  
5 back to us.

6 Q. Anything else?

7 A. No.

8 Q. Okay. So if we can go to Paragraph 83,  
9 Paragraph 83 states, "Mr. Morrell's bad faith in  
10 connection with the performance of his contracts with  
11 Plaintiff is evidenced, among other things, by the  
12 numerous orders for goods and services that he  
13 initiated after AMD's assets and liabilities had been  
14 transferred to Bright Pearl, an Iraqi company founded  
15 by Mr. Morrell."

16 So it states there that Mr. Morrell  
17 initiated numerous orders for goods and services after  
18 AMD's assets and liabilities had been transferred to  
19 Bright Pearl. Did you ever -- did Global Freight ever  
20 receive an order directly from Mr. Morrell that he  
21 initiated?

22 A. The orders were all initiated by staff who  
23 were directly reporting to him; for example, Dan  
24 Hobson. It was common knowledge that Dan Hobson was  
25 reporting directly to Anthony Dsouza, and we presume if



1 the orders came from Dan Hobson, Anthony Dsouza was  
2 aware of it.

3 Q. Why was it common knowledge that Dan  
4 Hobson was reporting directly to Anthony Dsouza?

5 A. It was -- for various reasons. And the  
6 major reason is that Dan Hobson was in a very senior  
7 and important position. A project of this scale  
8 involved purchasing multi-million dollars worth of  
9 materials across the globe. It included services,  
10 trucking, warehousing. Dan Hobson was the person in  
11 charge for Iraq and Kuwait. He was personally involved  
12 in procuring all these items from across the globe. He  
13 had the power to make contracts, to buy things and come  
14 back. There was no -- and none of the plants in Iraq  
15 would function if this material did not get to Iraq.  
16 And Dan Hobson, in his position, had tremendous  
17 authority and responsibility. And he, on various  
18 occasions, mentioned when we were in meetings that he  
19 would have to get Mr. Morrell's update on the status of  
20 things that he requested.

21 Q. Did Dan Hobson ever state to you directly  
22 that the next level of management above him is Anthony  
23 Dsouza?

24 A. Yes, he did.

25 Q. When did he make that statement?

1           A.       On several occasions when we probably met  
2 over coffee or he drove to our warehouse.

3           Q.       And he told you his direct supervisor was  
4 Anthony Dsouza?

5           A.       Yes.

6           Q.       Did Dan Hobson ever tell you that the  
7 orders he was placing were being placed at the  
8 direction of Anthony Dsouza?

9           A.       Can you repeat the question again?

10          Q.       Yeah. Did Dan Hobson ever communicate to  
11 Global Freight that the orders that he was placing were  
12 being placed at the direction of Anthony Dsouza?

13          A.       No, he didn't.

14          Q.       What did you understand Mr. Morrell's  
15 affiliation with Bright Pearl to be?

16          A.       Can you rephrase that, please?

17          Q.       Yeah. What did you understand  
18 Mr. Morrell's involvement to be with the company Bright  
19 Pearl?

20          A.       Again, I would say the same thing I said  
21 in the past. For us Bright Pearl and Al-Morrell was  
22 the same thing. Bright Pearl was, again, and I repeat  
23 my gesture, it was just a label around the bottle that  
24 came into effect after the military left. So for us it  
25 was the same company we were working with except that

1 they branded the water now Bright Pearl, with the  
2 military veil being lifted.

3 Q. When you first started working with  
4 Al-Morrell Development, did you understand that their  
5 contract for producing bottled water was with the U.S.  
6 military?

7 A. Yes. Al-Morrell was a name known across  
8 the business companies like Global Freight in Iraq.  
9 They were known to be a reputed company holding a  
10 multi-million dollar contract. And we knew that they  
11 were supplying water to contracts in Iraq, all across  
12 Iraq.

13 Q. And so when the U.S. military -- it's  
14 known that the U.S. military withdrew from Iraq in May  
15 2011, correct?

16 A. Yes.

17 Q. And so with the withdrawal of the U.S.  
18 military and the change to Bright Pearl, was there  
19 discussion amongst -- I mean, if Al-Morrell Development  
20 was a well-known entity in Iraq and Kuwait, was there  
21 discussion in the business community about what's going  
22 to happen with Al-Morrell Development now that the  
23 military is withdrawing?

24 A. There was no reason for a discussion  
25 because in November 2011, when it was common knowledge

1 that the troops would pull out, Dan Hobson, who was  
2 heading the Iraq and Kuwait operation, sent me an  
3 e-mail, and it is out of this folder which you now  
4 have. It specifically mentions to me that they were  
5 staying put in Iraq and they are not going anywhere.

6 Q. That who is staying put in Iraq?

7 A. If you allow me just a second to dig that  
8 out. This is in November 2011, where Dan Hobson writes  
9 to me, as director of supply chain management for  
10 Al-Morrell. He says, and I will read, "As I'm sure you  
11 are aware that AMD will be staying in our current  
12 location in Baghdad. The current U.S. military  
13 installation will be turned over to the Iraqi Army by  
14 the middle of December, and with the change will come  
15 changes to the base." And then he gives me the process  
16 of doing that.

17 So what actually changed for us was only  
18 the access. The trucks that would actually access the  
19 military supply routes would now be sent to a  
20 commercial crossing, as it was known. And Dan Hobson's  
21 e-mail very specifically tells me that nothing changes  
22 except the way the trucks enter the base. So for us it  
23 was business as usual, we don't worry.

24 Q. Which tab were you in when you pulled this?

25 A. I'm sorry. I didn't tab it.

1 Q. I've got it.

2 (EXHIBIT 27 WAS MARKED.)

3 Q. So in our discussion, you just referenced  
4 an e-mail between you and Dan Hobson from November of  
5 2011, correct?

6 A. Right.

7 Q. So I'm going to show you what's been  
8 marked as Exhibit 27.

9 A. Right.

10 Q. Is that the e-mail that you were  
11 referencing?

12 A. Correct.

13 Q. And in that e-mail Mr. Hobson states, "As  
14 I'm sure you are aware that AMD/Oasis will be staying  
15 in our current location in Baghdad."

16 A. Right.

17 Q. Correct? So did you interpret that to  
18 mean that they were going to continue to do -- that  
19 they were going to continue to do business indefinitely  
20 in Baghdad; or just with the change, with the  
21 withdrawal of the U.S. military because we were on a  
22 U.S. military base, they were just going to stay in  
23 their physical location?

24 A. I didn't get you.

25 Q. When you first discussed this e-mail, it

1       sounded to me like you interpreted this e-mail to mean  
2       that AMD and Oasis were going to continue doing  
3       business indefinitely in Iraq.

4             A.       Right.

5             Q.       And that's how you interpret the e-mail.

6             A.       Right.

7             Q.       And is it this first sentence that leads  
8       you to that conclusion, where it says, "As I am sure  
9       you are aware that AMD/Oasis will be staying in our  
10      current location in Baghdad."

11            A.       Yeah. What I understand is that Dan was  
12      trying to tell me that it's business as usual for  
13      Al-Morrell with the military pulling out. We are going  
14      to continue business. It was not my business to ask  
15      who they were continuing business with. But for me, he  
16      was just laying down the process of how I would get his  
17      material out there to his facility.

18            Q.       Okay. And that was based on the fact that  
19      historically, prior to November 2011, Oasis/AMD was on  
20      a U.S. military base, correct?

21            A.       Right.

22            Q.       And with the withdrawal of the U.S.  
23      troops, that base was no longer going to be.

24            A.       I'm not aware what was going to happen  
25      with that, because that's way above my pay grade to

1 know what was happening in Baghdad. But it was common  
2 knowledge that the U.S. forces, you don't just unplug  
3 and have no man on the ground on a certain date. There  
4 would be what you call close-up forces, closing down  
5 forces. And the bulk of it was that Al-Morrell was  
6 also supporting or the same water was also being  
7 supplied to the U.S. Embassy in Baghdad, and it was our  
8 belief a fair amount of water still needed to be  
9 distributed to the back operations of the U.S. forces  
10 that were going to stay back for the next six to twelve  
11 months.

12 Q. And what was the basis for that belief?

13 A. The basis for that belief was, like I  
14 said, the U.S. Embassy was still active. It would  
15 probably take six to twelve months for every boot to  
16 leave Iraq.

17 Q. So was that just an assumption made by  
18 Global Freight based on those facts?

19 A. The assumption was made on the fact that  
20 Al-Morrell continued to receive -- we continued to  
21 receive material from all over the globe in our  
22 warehouses. Only the process of distributing would  
23 change marginally with the withdrawing army.

24 Q. So at what point in time did Global  
25 Freight become aware of the fact that Al-Morrell had

1 transferred its assets to Bright Pearl?

2 A. I think only during discovery stage of  
3 litigation. Not before that.

4 Q. Okay. And so is Global Freight familiar  
5 with the terms of the transaction between Al-Morrell  
6 Development and Bright Pearl?

7 A. Only after reading through Mr. Paul  
8 Morrell's deposition.

9 Q. Okay. So that's how Global Freight became  
10 familiar with the facts of that transaction?

11 A. Right.

12 Q. Okay. In the Complaint it's alleged that  
13 Al-Morrell Development didn't receive reasonably  
14 equivalent value for the assets that it transferred.  
15 In other words, that it didn't receive the amount of  
16 money that it should have for the transfer of assets  
17 that it made to Bright Pearl.

18 A. Right.

19 Q. What is the basis for that allegation?

20 A. Can you rephrase the question, please?

21 Q. Yeah. So in the complaint, Global Freight  
22 states that when Al-Morrell Development transferred its  
23 assets to Bright Pearl, that Al-Morrell Development  
24 didn't receive adequate compensation for the transfer  
25 of assets. In other words, that it, in theory, should



1 have received something more for the transfer of assets  
2 that it made. What is the basis for the allegation by  
3 defense that Al-Morrell Development didn't receive what  
4 it should have when it transferred its assets to Bright  
5 Pearl?

6 MS. WILDE: Objection to the extent it  
7 calls for a legal conclusion.

8 You can go ahead and answer if you  
9 understand it.

10 A. No, I still don't understand what you're  
11 asking.

12 Q. Do you know how much money Al-Morrell  
13 Development received for the transfer of assets to  
14 Bright Pearl?

15 A. Now we know, after the deposition.

16 Q. Okay. But you didn't know beforehand?

17 A. No, we didn't know beforehand.

18 Q. Okay. And what's your understanding of  
19 the amount of money that Al-Morrell Development  
20 received for the transfer of assets to Bright Pearl?

21 A. Based on Paul Morrell's deposition, it's  
22 around -- I think he said, and I may be wrong, but I  
23 think he said he was supposed to receive \$16 million  
24 and he received \$10 million.

25 Q. Okay. And so do you know if \$10 million

1 is adequate compensation for the assets that were  
2 transferred?

3 A. I wouldn't know that.

4 Q. Okay. If we can turn to Paragraph 101 of  
5 the Complaint. So Paragraph 101 states that Bright  
6 Pearl was founded by Mr. Morrell and is operated by  
7 Mr. Morrell's brother, Phil Morrell. Do you believe,  
8 as we sit here today, that Phil Morrell is still  
9 operating Bright Pearl?

10 A. I'm not aware of that.

11 Q. Okay. What caused you to believe that  
12 Phil Morrell was operating Bright Pearl?

13 A. I don't know the answer to that right now.

14 Q. Okay. So you can't state that at any  
15 point in time you know Phil Morrell was operating  
16 Bright Pearl?

17 A. No.

18 Q. Okay. So in Paragraph 102 it states that,  
19 "On information and belief, Mr. Morrell and Phil  
20 Morrell conspired to form Bright Pearl for the purpose  
21 of defrauding AMD's creditors," including Global  
22 Freight. What is the information relied upon to arrive  
23 at the conclusion that Anthony Dsouza and Phil Morrell,  
24 that their purpose in forming Bright Pearl was to  
25 defraud AMD's creditors?

1           A.       Because over time there were other vendors  
2       who -- there were two vendors in Kuwait and one in  
3       Turkey who started getting in touch with each other  
4       because all of us did not get paid. And when we  
5       realized and we shared information how much was owed by  
6       Anthony Dsouza to each one of us, it was indicative of  
7       the fact that this was a very planned effort by the  
8       Morrells to make sure that they don't pay any vendors.  
9       It was not just Global Freight. It was four companies  
10      that I knew of, and probably there were more who had  
11      minor amounts who then approached Paul for money.

12           Q.       Who are the other companies you were aware  
13      of that weren't paid?

14           A.       There were two Kuwait companies. One was  
15      Genoa Plastics. These were the guys who made the  
16      bottle caps. The other was a company called -- the  
17      name is on the tip of my tongue. Gama. They provided  
18      lumber.

19           Q.       And I think you stated there were four  
20      companies. Do you recall the other two?

21           A.       There's a company in Turkey called -- I  
22      can't get the name, but there was a Turkish company,  
23      and this company provided resin for bottled water.

24           Q.       And do you recall the other company?

25           A.       There's just four.

1 Q. So I have Genoa, Gama, and --  
2 A. And the Turkish company.  
3 Q. And the Turkish company, which is three.  
4 A. And GF is four.  
5 Q. Okay. So including Global Freight there's  
6 four.  
7 A. That I'm aware of. There could be more.  
8 Q. Okay. Do you know if Genoa, Gama -- do  
9 you know if Genoa is still owed money?  
10 A. We filed the litigation together, Genoa,  
11 Gama, and Global Freight. But they reached an  
12 out-of-court settlement.  
13 Q. Genoa and Gama did?  
14 A. Six months ago.  
15 Q. Do you know if the Turkish company is  
16 still owed money?  
17 A. I really have no idea.  
18 Q. Okay. Who is Joseph Thomas?  
19 A. He is the owner of Global Freight.  
20 Q. He is the owner?  
21 A. Yes.  
22 Q. And is he in Kuwait, as well?  
23 A. Yes, he is.  
24 Q. And we talked a little bit about Mohan,  
25 and you'll have to pronounce the last name for me.

1 A. Janardhan.

2 Q. Janardhan?

3 A. Yes.

4 Q. And what's Mohan's role with the company?

5 A. He is one of the deputy general managers.

6 And in my absence, when I was overseeing a project in  
7 Africa, he was involved in communications with Richard  
8 initially.

9 Q. With who?

10 A. With the attorney in New York.

11 Q. Okay.

12 A. He initiated some correspondence with Alan  
13 and Paul. So that period when I was out of the office  
14 he got involved.

15 Q. Okay. Did you meet with either of them  
16 before coming over here to testify?

17 A. With Mohan?

18 Q. With Mohan or Joseph.

19 A. I met with Joseph. I meet him every day.

20 Q. But for the purpose of discussing your  
21 deposition?

22 A. Yes, we did. Yeah.

23 Q. Okay. And what was discussed between you  
24 and Joseph?

25 A. We just discussed for maybe ten minutes on

1 the day I was leaving, which was Sunday the 20th, he  
2 just wanted to -- I showed him your Notice of  
3 Deposition and we just went through the points quickly  
4 in ten minutes. And there was nothing to it because  
5 everything was in black and white. He just said, "Go  
6 there and say what we have been saying."

7 Q. Okay. Let's mark this as 28.

8 (EXHIBIT 28 WAS MARKED.)

9 Q. Do you recognize -- I'll give you a minute  
10 to look that document over.

11 A. Yes.

12 Q. Do you recognize this document?

13 A. Yes.

14 Q. And did you assist your attorney in  
15 preparing the responses to Request for Production of  
16 Documents?

17 A. We gave our attorneys what they asked in  
18 terms of documents and they sent back a response.

19 Q. Okay. Are you aware of any other  
20 documents that are out there that might be responsive  
21 to these requests for production of documents?

22 A. I didn't get the understanding again.

23 Q. Okay. So what I'm just trying to verify  
24 is that we have received all the documents that are  
25 responsive to our requests. You produced us some

1 documents. We have this binder here today which  
2 contains some additional documents, some of which have  
3 been produced, some of which previously have not been  
4 produced.

5 A. Right.

6 Q. I'm just wondering are there any other  
7 documents that you're aware of that have not been  
8 produced that would be responsive to the Request for  
9 Production of Documents that we have submitted?

10 A. Again, you've got me lost here.

11 Q. Okay.

12 MS. WILDE: What do you not understand?  
13 Maybe explain what you are --

14 THE WITNESS: What exactly is he asking  
15 for? Is he saying are there more documents we can  
16 produce?

17 MS. WILDE: Tell me if I'm wrong here --

18 MR. HANSEN: Go ahead.

19 MS. WILDE: He is asking when we went  
20 through and we responded to these document requests and  
21 we produced documents to the defendants, if you were to  
22 go and see if there were any more documents to produce  
23 that would be something they have asked for here, are  
24 there more documents out there?

25 THE WITNESS: It could be an e-mail that I

1 may have missed. It could be.

2 Q. (By Mr. Hansen) What was the process you  
3 went through in gathering the documents that are  
4 responsive?

5 A. Going to the archive of e-mails and  
6 others. All archived e-mails.

7 Q. Okay. So the documents that are in this  
8 binder today that you produced, is there a reason those  
9 weren't produced as part of the discovery responses?  
10 Granted, some of them were.

11 A. Right.

12 Q. But there are several e-mails and stuff  
13 that were not.

14 A. Yeah. Those came about after I got your  
15 Notice for Deposition. And I went line by line, and if  
16 you see -- I decided to go and examine each point that  
17 you wanted to have a discussion on. And I went pains-  
18 takingly, e-mail after e-mail, and that's how I got  
19 this produced.

20 Q. I appreciate you going through that  
21 painstaking process. If you stumble across anything  
22 else that is responsive to the request, would you  
23 produce that through your attorney?

24 A. Sure.

25 Q. Okay.



1 MS. WILDE: Christian, we can re-evaluate  
2 and make sure we have produced everything. After this  
3 deposition, I can go through the binder of documents  
4 and also talk with Global Freight and Anthony about  
5 anything that might be missing.

6 MR. HANSEN: Okay. That would be great.

7 MS. WILDE: Because I do realize there's a  
8 few in there that have not been produced.

9 MR. HANSEN: I appreciate that.

10 (EXHIBIT 29 WAS MARKED.)

11 Q. (By Mr. Hansen) I'll give you a minute to  
12 look that over.

13 A. Okay.

14 Q. And so Exhibit 29 are your answers to the  
15 interrogatories that were propounded by the defendants,  
16 Al-Morrell Development and Anthony Dsouza.

17 A. Right.

18 Q. Did you participate with counsel in  
19 responding to the interrogatories?

20 A. Yes, I did. We supported them with  
21 documents and facts relating to this case.

22 Q. Are you aware of any other information or  
23 facts that you believe would be responsive to the  
24 interrogatories?

25 A. I'm sorry, I know I keep asking you --

1 Q. You think I'd learn. I'm the one that  
2 keeps doing the same thing over.

3 Is all the information that you have and  
4 the facts that you're aware of, are they included in  
5 these responses?

6 A. Yes.

7 Q. Okay. And there's no additional facts or  
8 evidence that you're relying on in responding to these  
9 interrogatories?

10 A. It's been a step-by-step process. As  
11 things have been asked, we have tried to produce them.  
12 For example, you just mentioned that there were certain  
13 documents that have been produced today. Again, that  
14 is in response to what you said you would like to  
15 discuss. So if something new comes up, probably I'd  
16 have to go back and specifically search for any  
17 correspondence relating to that specific question that  
18 you intend to ask. And I'm not saying there may not be  
19 anything, but like two or three new topics came up and  
20 there's a possibility that if you ask something new I  
21 may have to go back and check again and search for that  
22 particular document again.

23 Q. I'd just make the same request. If you  
24 come across any information or facts, if you would just  
25 supplement your responses.

1 A. I will.

2 Q. Okay. I think that's probably all I have.

3 MS. WILDE: Okay. I have a few questions  
4 if that's okay.

5 MR. HANSEN: Yeah.

6

7

EXAMINATION

8 BY MS. WILDE:

9 Q. Anthony, I'm going to go back to some of  
10 the things you've stated earlier.

11 A. Sure.

12 Q. You said earlier that in response to  
13 Christian's question about whether you met anyone, do  
14 you recall you said you met with nobody?

15 A. Yeah.

16 MS. WILDE: Do you mind if he supplements  
17 that answer?

18 MR. HANSEN: In what context was I asking  
19 if he met with anyone?

20 MS. WILDE: In preparation for the  
21 deposition.

22 MR. HANSEN: Yes.

23 Q. (By Ms. Wilde) Did you meet with anyone  
24 to prepare for the deposition?

25 A. I came to meet you yesterday afternoon

1 with this binder.

2 Q. With me and Mr. Lowrie?

3 A. And Mr. Lowrie.

4 Q. Okay. And did you also meet with Joseph  
5 Thomas before travelling from Kuwait?

6 A. Yes. But that was briefly, for five  
7 minutes.

8 Q. Okay. You discussed the visits that Tom  
9 Owens, Dan Hobson, and Alan Slighting made --

10 A. Right.

11 Q. -- in early 2011.

12 A. Right.

13 Q. Do you recall that?

14 A. Yes.

15 Q. Just wait until I'm done with the  
16 question. Do you recall that testimony, of saying that  
17 they came and visited Global Freight's facility.

18 A. Yes.

19 Q. Okay. Were you aware at that time that  
20 Al-Morrell Development was the company that they were  
21 doing business with?

22 A. Yes.

23 Q. And did you have an awareness that that  
24 was an American company?

25 A. Yes. We all knew, because Al-Morrell was

1 a known player in military contracts in Iraq. It was a  
2 big name because it was a multi-million dollar contract  
3 running into several hundred millions of dollars. It  
4 was no small contract. And as a logistics company, we  
5 wanted to get involved with Al-Morrell. So we had a  
6 clear idea they are an American company. And as Global  
7 Freight, we worked with a lot of other American  
8 companies on base. We also worked directly with the  
9 U.S. government, with the U.S. Embassy on various other  
10 contracts.

11 Q. Let me stop you there. When you say you  
12 were aware of the multi-million dollar contract, was  
13 that the contract to provide water to the U.S.  
14 military?

15 A. Al-Morrell was only, in Iraq at that time,  
16 known for producing water in Iraq.

17 Q. Okay. Have you, as in Global Freight, has  
18 Global Freight had contracts directly with the U.S.  
19 military?

20 A. Yes. Several contracts.

21 Q. And based on that relationship, is it your  
22 opinion that the U.S. government stands by their word  
23 and pays Global Freight?

24 A. See, in the business community of  
25 contractors, the U.S. government is probably the most

1 sought-after customer.

2 Q. Sought after?

3 A. Sought-after customer. Because you will  
4 always get paid. And it was our belief at that time we  
5 worked with and continued to work with several American  
6 companies who always kept their word and we got paid.  
7 So for us it was -- and we always discussed this  
8 in-house, that this is why we allowed ourselves to get  
9 into this debt with Al-Morrell, one of the reasons we  
10 tell ourselves is that we never anticipated Al-Morrell,  
11 which was one of probably twenty American companies we  
12 worked with, would not pay us. This was a problem, a  
13 concern with non-U.S. companies. But it was our  
14 experience that U.S. companies would pay us, and they  
15 continue to pay us, including the military contracts we  
16 have and other prime vendors. So we never anticipated  
17 that Al-Morrell would not pay us, especially since the  
18 money that was owed to us is minuscule when compared to  
19 the hundreds of millions of dollars that they got from  
20 the U.S. government.

21 MR. HANSEN: I move to strike that last  
22 statement on foundation.

23 MS. WILDE: I'm trying to recall what the  
24 statement was.

25 MR. HANSEN: Just that Al-Morrell received

1 hundred of millions of dollars from the U.S.  
2 government.

3 MS. WILDE: And I don't think we would  
4 object to that. We would object that at this point  
5 there's no evidence of --

6 MR. HANSEN: Yeah, just foundation on  
7 that.

8 MS. WILDE: -- hundreds of millions being  
9 received.

10 MR. HANSEN: Yeah.

11 Q. (By Ms. Wilde) You testified earlier that  
12 there were several individuals from Al-Morrell  
13 Development that would place orders, and tell me if I'm  
14 not saying these names correctly, but the names you  
15 gave are Tom Owens, James Morris, Johnny Nahas, Anthony  
16 Yob, Ibrahim Najjar, and Dan Hobson. Do you recall  
17 that?

18 A. Yes.

19 Q. Is it possible that there were any others  
20 that placed orders?

21 A. No.

22 Q. Okay. And what do you base that belief  
23 on?

24 A. These were all individuals and staff who  
25 operated out of Kuwait and was in direct contact with

1 me, our office.

2 Q. Okay. Did you meet each of those  
3 individuals personally?

4 A. Yes, I did.

5 Q. We talked a little bit about your  
6 discussions with Paul Nelson in the late summer of  
7 2013. Christian asked you earlier about the statement  
8 that the shipment should be consigned to Bright Pearl.  
9 What did you understand that to mean?

10 A. Like I explained earlier, that was the --  
11 with the military veil being lifted, if Al-Morrell had  
12 to continue doing business in Iraq, they needed a legal  
13 entity, they needed an Iraqi company. And Bright Pearl  
14 was presumed to be the Iraqi company that Al-Morrell  
15 formed in Iraq.

16 Q. Was it your understanding that Al-Morrell  
17 Development formed Bright Pearl?

18 A. Yes.

19 Q. And was it your understanding that Bright  
20 Pearl was an actual legal entity?

21 A. Yes.

22 Q. Okay. Was it your understanding that --  
23 well, I'll strike that. You said earlier that you  
24 thought that Bright Pearl was a brand name, correct?

25 A. Right.



1 Q. What do you mean by "a brand name"?

2 A. If you -- like I said, if you go and look,  
3 the water bottle that Al-Morrell made for the U.S.  
4 military didn't have a brand. It was a bottle with no  
5 label. Just strictly a bottle. And post that, they  
6 decided to give it a brand name. And the label was  
7 Bright Pearl.

8 Q. I want to have you look at a document in  
9 this exhibit book and I'll tell you in a second what  
10 number it is.

11 Look at Exhibit 14. I don't have a copy  
12 for you, Christian.

13 MR. HANSEN: That's fine.

14 MS. WILDE: But I'm sure you have seen  
15 this.

16 MR. HANSEN: Yes.

17 Q. (By Ms. Wilde) Have you seen Exhibit 14  
18 before?

19 A. Yes.

20 Q. Do you recall when you first saw that?

21 A. Yes. Actually, this is late November 2012  
22 onwards, and we didn't get paid. We started turning  
23 all corners to find out, you know, to give you, our  
24 attorneys, all documentary evidence that Bright Pearl  
25 was owned by Anthony Dsouza. So then that's when we

1 started looking out for this document.

2 Q. And when you say "we," who are you  
3 referring to?

4 A. Me and Joseph.

5 Q. Did you or Joseph locate this document?

6 A. Yes, we did.

7 Q. And what did you do to locate this  
8 document?

9 A. We sent a lawyer in Baghdad to the Chamber  
10 of Commerce in Iraq, basically, to find this out for  
11 us.

12 Q. Okay. Did you rely on this document in  
13 forming your opinion that Al-Morrell Development owned  
14 Bright Pearl?

15 A. Yes, we did.

16 Q. Did you rely on this document in forming  
17 the opinion that Anthony Dsouza either owned or  
18 controlled Bright Pearl?

19 A. Yes, we did.

20 Q. We can move away from that one.

21 You stated earlier that in this lawsuit  
22 Global Freight seeks payment for services that were  
23 rendered, and I don't know if the question was services  
24 or invoices, but that the time period was October of  
25 2011 through March or April of 2012. I just want you

1 to look at the summary of invoices which is Exhibit 19  
2 in that book. My first question is did you prepare  
3 this document?

4 A. No. This is generated by the accounting  
5 package from our accountant.

6 Q. Okay. And what is it? What is this  
7 document?

8 A. It's the statement of account.

9 Q. Does it summarize all invoices --

10 A. Yes.

11 Q. -- that you claim to be owed?

12 A. Correct.

13 Q. Does this summary refresh your recollection  
14 of the time period by which you seek payment?

15 A. Yeah, October 2011 through April 2012.

16 Q. Okay. Let's go to Exhibit 25. Do you see  
17 that there are several recipients of this e-mail that  
18 have the e-mail address "@pearlIraq"?

19 A. Right.

20 Q. Do you recall how you or Mohan obtained  
21 those e-mail addresses?

22 A. I think we got it from the local  
23 representative in Kuwait.

24 Q. The local representative of who?

25 A. Ibrahim.

1 Q. Okay. So you are saying Ibrahim gave you  
2 those e-mail addresses?

3 A. Right.

4 Q. And when he gave you those e-mail  
5 addresses that have "pearlIraq" at the end, did that  
6 indicate to you that "pearlIraq" was separate from AMD?

7 A. Not really, because what they told us was  
8 Pearl was an Iraqi company of Anthony Dsouza operating  
9 out of Iraq. So we assumed that they are just using,  
10 for marketing purpose, a PearlIraq e-mail address.

11 Q. Okay. And after November 12, 2012, the  
12 date of this e-mail, were there any more services  
13 provided to AMD or Bright Pearl?

14 A. No.

15 Q. Okay. You testified earlier that staff  
16 said that Anthony Dsouza would decide whether Global  
17 Freight would get paid. Do you recall who exactly said  
18 that?

19 A. One was Alan Morrell who specified that in  
20 an e-mail. And the other was Ibrahim Najjar. And Dan  
21 Hobson in several telephone conversations.

22 Q. Did Alan Morrell work in Kuwait?

23 A. No. He worked in Iraq.

24 Q. He worked in Iraq?

25 A. Right.

1 Q. Do you recall whether he worked in Iraq  
2 during the entire year of 2012?

3 A. I'm not sure. At some point in time Dan  
4 Hobson faded away, if you know what I mean. He was --  
5 we were probably told that he was no longer in the  
6 company, but we still were communicating through July  
7 with the home office in Utah. And they directed us to  
8 go to Alan Morrell.

9 Q. Do you recall when Dan Hobson left?

10 A. I think -- I don't know. But it could be  
11 during a period maybe between June or July of 2012.

12 Q. Did you understand Alan Morrell to be Dan  
13 Hobson's replacement?

14 A. Yes, we did.

15 Q. Did you understand Alan Morrell to be Paul  
16 Morrell's nephew?

17 A. Not at first. I thought he was his  
18 brother. But after getting his phone number when we  
19 contacted him, he said, "I'm his nephew."

20 Q. Okay. Let's go to Exhibit 24. You  
21 testified earlier that there was a conversation by  
22 which Alan Morrell said that Global Freight needed to  
23 get in touch with his uncle, Anthony Dsouza. Correct?

24 A. Right.

25 Q. Was that in this e-mail on Exhibit 24 or

1 was that a phone call?

2 A. Like I said earlier, it was subsequent,  
3 several e-mails to Alan, several e-mails and telephone  
4 calls. Several telephone calls to Alan. And sometimes  
5 he would respond and sometimes he would not respond.  
6 And once we did get in touch with him, we wrote an  
7 e-mail. Mohan wrote to him, and he didn't like,  
8 apparently, from what he is writing. And that's when  
9 he tells us specifically to go to Anthony Dsouza for  
10 our money.

11 Q. Okay. Let's go to Exhibit 27. I actually  
12 don't have my copy of that. Let me look on yours.  
13 Exhibit 27 is referring to the military pulling out of  
14 Iraq; is that correct?

15 A. Correct.

16 Q. And was it common knowledge that the U.S.  
17 military was withdrawing?

18 A. Yes, it was.

19 Q. Did you know whether the U.S. military was  
20 being serviced by Al-Morrell Development in 2012?

21 A. Yes, we did.

22 Q. You knew that the U.S. military was the  
23 customer?

24 A. Some of the bottled water was being  
25 delivered to the U.S. Embassy and U.S. Army based in

1 Baghdad.

2 Q. Okay. We are done with that document. Do  
3 you recall at about what time you engaged Richard  
4 Altman in New York City to help you with this dispute?

5 A. I think the end of December 2012.

6 Q. Okay. And I have to think of a way to ask  
7 this question. Did you receive information from other  
8 vendors or lawyers about Anthony Dsouza and Phil  
9 Morrell that you did not otherwise know?

10 A. I can't --

11 Q. Do you want me to rephrase that?

12 A. Please.

13 Q. When you engaged lawyers in this case,  
14 including Richard Altman, did your lawyers convey any  
15 information to you about Anthony Dsouza and Phil  
16 Morrell that you did not already know?

17 A. No. Nothing new.

18 Q. Nothing new?

19 A. No.

20 Q. Did any of the other vendors that you were  
21 working with provide any information about Anthony  
22 Dsouza and the relationship with Bright Pearl?

23 A. We actually initiated the process and at  
24 that point in time the other vendors got in touch with  
25 me personally and they asked me what I was doing or

1 what GFS was doing to get our money back. And we told  
2 them that we are taking the legal route in the United  
3 States, and they asked me if they could join and be  
4 part of that process.

5 Q. Okay. You talked about three other  
6 vendors. There was Genoa, Gama, and a Turkish company?

7 A. Right.

8 Q. Do you recall if that Turkish company had  
9 the name Coxin (phonetic)?

10 A. Yes, correct.

11 Q. Coxin is the name?

12 A. Yes.

13 Q. Okay. Do you recall the names of the  
14 individuals that you worked with at Genoa?

15 A. Genoa, when you say "worked with" in --

16 Q. Whether you contacted them or they  
17 contacted you?

18 A. Yes. One was Stylish (phonetic) in Genoa.  
19 And Mr. Ahmet of Gama.

20 Q. Mr. Ahmet from Gama. And do you remember  
21 the name of the individual at Coxin?

22 A. No. I'm not sure. But there were a  
23 couple of e-mails we exchanged, so I could find them.

24 Q. When you discussed efforts to get paid  
25 with these other vendors, was it your understanding



1 that any of them thought that Bright Pearl was the  
2 entity that owed them money?

3 A. We didn't discuss Bright Pearl. We just  
4 discussed Al-Morrell.

5 Q. You said earlier that Genoa and Gama were  
6 parties to this litigation, correct?

7 A. Yes. Right.

8 Q. And you testified that they settled.

9 A. Right.

10 Q. Do you have any idea who initiated those  
11 settlements?

12 A. I later found out that Ibrahim Najjar, who  
13 was Al-Morrell's last representative in Kuwait, and he  
14 was still in Kuwait, he was in touch with Anthony  
15 Dsouza or Anthony Dsouza contacted him, I'm not sure  
16 which way it was, and it was Ahmet of Gama who I think  
17 asked Ibrahim to negotiate a settlement directly with  
18 Paul.

19 Q. How did you find this out?

20 A. This was told to me by Ahmet, Mr. Ahmet of  
21 Gama.

22 Q. Do you recall when that was?

23 A. This was when we were all three parties  
24 together in litigation. And then one fine morning  
25 there was an e-mail which Mr. Ahmet said that they were

1 going in for a settlement. And that's when I called  
2 him up and I asked him that we are three parties  
3 involved in this together, so why now did you take the  
4 step and not informing us. And that's when he told me  
5 that he took initiative on his own to contact Ibrahim,  
6 and he asked Ibrahim to mediate a settlement directly  
7 with Paul. And Ibrahim got in touch with Paul and came  
8 up with a settlement which both Gama and Genoa  
9 accepted.

10 Q. Did you ever talk to Ibrahim about this?

11 A. Yes, I did.

12 Q. Did he confirm --

13 A. He confirmed, and even asked me if he  
14 wanted GFS -- he asked me whether he should contact  
15 Anthony Dsouza to negotiate a settlement with GFS.

16 Q. Did he say to you anything about how often  
17 he talks to Anthony Dsouza?

18 A. No.

19 Q. Did you ask him?

20 A. I didn't ask him that.

21 Q. Is it your understanding that he has the  
22 ability to contact Anthony Dsouza pretty easily?

23 A. From what he -- if he was involved in the  
24 settlement with Gama and Genoa, I presume that he had  
25 contact with Paul.

1 Q. We talked a little bit about the documents  
2 that have been produced in this case, and the answers  
3 to the questions that have been given to Global  
4 Freight. Have you been primarily responsible for  
5 answering those questions and producing documents?

6 A. Yes.

7 Q. And do you feel like you have done your  
8 very best to try to produce what has been requested?

9 A. I have, yes.

10 Q. Okay. One final question. In this  
11 litigation, is Richard Altman and the law firm of  
12 Jones, Waldo representing you in the dispute?

13 A. Right. Correct.

14 Q. Okay. That's all I have.

15

16 FURTHER EXAMINATION

17 BY MR. HANSEN:

18 Q. Just a few more follow-ups based on that.  
19 Anthony, you stated that there was a contract between  
20 AMD and the U.S. government --

21 A. Right.

22 Q. -- for the bottle water supplying services.

23 A. Yes.

24 Q. Why is it that you believe that the  
25 contract was between AMD and the U.S. government for

1       bottled water?

2               A.       All cargo shipped to Iraq had to go  
3       through what was called a military supply route, or the  
4       MSR. To use the MSR, as a subcontractor for  
5       Al-Morrell, I needed Al-Morrell to provide me with a  
6       legitimate contract number to use the military convoy  
7       which would guarantee military support on the convoys.

8               So the process to -- for example, if  
9       Al-Morrell had ten trucks to ship to Baghdad, there was  
10      a convoy request with the local camp in Kuwait. I  
11      would request the local camp in Kuwait that I have ten  
12      trucks going for example to Baghdad, and they would  
13      request me under which contract. And Al-Morrell  
14      provided me a contract number and I would use that  
15      contract number which Al-Morrell and the U.S.  
16      government had for the local military base to give me  
17      access to use that convoy system.

18              Q.       Are you familiar with an entity by the  
19      name of Oasis?

20              A.       No. It came up from time to time, but Dan  
21      Hobson would write in his e-mail Al-Morrell/Oasis.

22              Q.       Okay. So you don't know much about Oasis  
23      and its involvement in the bottled water manufacturing  
24      process?

25              A.       I got to know after Paul Morrell's

Anthony Dsouza \* September 23, 2015

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1 deposition.

2 Q. Okay. So is it possible that you were  
3 using the contract number that Oasis had with the  
4 United States government?

5 A. No. Because our manifest was all ongoing  
6 under Al-Morrell's name. So I couldn't use a different  
7 contact. The U.S. military would verify that. The  
8 process was very stringent because you just can't send  
9 trucks up to Iraq. They have to be cleaned, certified,  
10 and scanned. So a manifest would specify Al-Morrell  
11 and the contract number for which I was moving the  
12 cargo.

13 Q. So if you've reviewed Paul Morrell's  
14 deposition, you saw that he stated that the contract  
15 was between Oasis and the United States government for  
16 the bottled water manufacturing.

17 A. At some point of time, yes.

18 Q. And that Al-Morrell Development  
19 essentially provided services to Oasis, basically the  
20 equipment, the supplies to run the bottled water  
21 manufacturing facility; that Oasis owned the contract.  
22 Are you familiar with that testimony?

23 A. Yes.

24 Q. Do you have any reason or basis to dispute  
25 that testimony with regard to Oasis having the contract

1 and AMD providing the assets to run the bottled water  
2 manufacturing facility?

3 A. See, my primary objective was we signed a  
4 contract with Al-Morrell. Al-Morrell gave us the  
5 responsibility to ship his cargo to Iraq. During that  
6 process, I requested Al-Morrell to give me a contract  
7 number. This was because this was mandatory for the  
8 U.S. military in Kuwait to move the cargo. Al-Morrell  
9 gave me a contract number. It was not my business to  
10 question whose contract number that was.

11 Q. So it's possible that contract number was  
12 the contract number that belonged to Oasis?

13 A. I don't know that.

14 Q. Okay. Did you ever have -- did AMD always  
15 pay its bill timely up through October 2011?

16 A. Yes, they did.

17 Q. You never had an issue receiving payment  
18 from them before?

19 A. Normally what would happen is, like I  
20 said, like I explained on the entire process once the  
21 purchase order numbers would be given, we'd raise  
22 invoices. The invoices would be sent to the home  
23 office by Dan Hobson. And if there was a delay in  
24 payment I would just give Dan a phone call and he would  
25 press the home office to send through the wire. And

1 that's how it would work.

2 It's just that in March and April when the  
3 amount crossed a larger figure and we started realizing  
4 that there's something not right here, that's when all  
5 the correspondence started. But as I testified  
6 earlier, we always believed Al-Morrell to be an  
7 American company, another American company who would  
8 practice business ethics. And by the time we found  
9 out, it was too late.

10 Q. But you acknowledge that you did -- that  
11 Global Freight did receive some payments from  
12 Al-Morrell Development for services rendered.

13 A. Yes. Yes, they did.

14 Q. Okay. Is it fair to say that most of the  
15 communication that Global Freight had with AMD was with  
16 AMD staff and employees located in Iraq or Kuwait?

17 A. Mostly Kuwait.

18 Q. Okay. Prior to the dispute over payment,  
19 was there any communication between Global Freight and  
20 Al-Morrell Development employees in the United States?

21 A. No. Before we -- before Corey Larson came  
22 into the picture, there was another staff accountant  
23 called Nick Phelps, if I'm right. And he was my point  
24 of contact for corresponding regarding outstanding  
25 payments. So at some point in time I didn't get a

1 response from Nick Phelps, and then I called up the  
2 office in Utah from Kuwait, and Corey Larson picked up  
3 the phone and he said that Nick Phelps is no longer  
4 working and he would be the point of contact to follow  
5 up on e-mails. So to answer your question, yes, it was  
6 Nick Phelps who I corresponded with prior to that.

7 Q. But you only started communicating with  
8 staff in Utah when the payment dispute began?

9 A. No. Even earlier.

10 Q. Okay. So I don't want to beat a dead  
11 horse here, but I have to clear this up. You state  
12 that Alan Morrell, Dan Hobson, and Ibrahim all said  
13 that Anthony Dsouza would decide if the Global Freight  
14 invoices are paid.

15 A. Yes.

16 Q. Is that accurate?

17 A. Yes, that's accurate.

18 Q. And now is Exhibit 24, is that the  
19 communication you're relying on from Dan Hobson to say  
20 that he -- that's his representation, that Paul would  
21 decide if the invoice was paid or not? It's the one  
22 right in front of you there, where he suggests that you  
23 contact Anthony Dsouza or is it Bright Pearl?

24 A. Yes.

25 Q. Is that the communication you are relying



1 on from Alan Morrell?

2 A. Right.

3 Q. That Anthony Dsouza would decide if the  
4 invoice was paid or not?

5 A. The company was called Al-Morrell, okay?  
6 And during our interaction right from January 2011,  
7 everybody spoke very highly of the owner of the  
8 company, who was Anthony Dsouza. So in our view, he  
9 was the ultimate decisionmaker who would decide whom we  
10 had to pay. The only -- when Dan Hobson, in previous  
11 e-mails to me, mentions home office and on the  
12 telephone call I did ask him, "What do you mean by home  
13 office," and he said Anthony Dsouza.

14 Q. So Dan told you that on the telephone?

15 A. Yes.

16 Q. But with regard to Alan Morrell, is the  
17 only representation he made to you that Anthony Dsouza  
18 would decide, contained in that e-mail?

19 A. Yes. Like I said earlier, it was the end  
20 of July 2012 and Corey Larsen finally gives us Alan  
21 Morrell's contact details for chasing the money. And  
22 he said, "Those are the two individuals you need to  
23 contact." And then that's when we went by the name  
24 Alan Morrell and assumed that he was the brother or  
25 somebody very close to Anthony Dsouza. And when we

1 started confronting him because we didn't have any  
2 information how to contact Anthony Dsouza, that's when  
3 he responded to us that he is not responsible, Anthony  
4 Dsouza is.

5 Q. I need to clarify on that last question  
6 when I referenced "that e-mail," it's Exhibit 24. With  
7 regard to Ibrahim, when did he tell you it was Anthony  
8 Dsouza who would decide if payment was made?

9 A. Specifically I will not be able to tell  
10 you what date and time. But it was similar  
11 conversations because he was the face of Al-Morrell in  
12 Kuwait.

13 Q. And what specifically did he say to you?

14 A. He said that -- he would call him "Paul,"  
15 by his first name. He would just say "Paul." And he  
16 would just say, "I'll follow up with Paul. I'll follow  
17 up with Paul."

18 Q. Okay. Do you know if he did follow up  
19 with Paul?

20 A. Maybe. I'm not sure.

21 Q. Okay.

22 A. Didn't come back to me.

23 Q. Okay. Did Global Freight deliver the  
24 bottled water that was manufactured by Oasis or AMD?  
25 Was that part of the services provided?

1 A. No.

2 Q. You stated that in 2012 it was your belief  
3 that AMD was still providing water to the U.S.  
4 government.

5 A. Right.

6 Q. Or that water was still being provided to  
7 the U.S. government. And you said it was still being  
8 delivered to the U.S. Embassy or to the Army in  
9 Baghdad, correct?

10 A. Right.

11 Q. How do you know it was still being  
12 delivered there?

13 A. Because who else would they sell it to?  
14 From what common knowledge or business knowledge we had  
15 was that there were pockets in and around the camp  
16 where the last forces were consolidating still,  
17 including intelligence and other logistic support  
18 services. And they still needed life support.

19 Q. Okay. But it wasn't Global Freight that  
20 was delivering that water to the U.S. Embassy and the  
21 Army?

22 A. No. Our contract was to just deliver the  
23 raw material up to the plant.

24 Q. Okay. And so is Global Freight's  
25 conclusion that AMD was still producing water for the

1 U.S. Army and the U.S. Embassy based on the fact or the  
2 assumption that there was no one else to provide the  
3 water to?

4 A. Yes.

5 Q. Okay. I don't have any other questions.

6 MS. WILDE: No questions. He'll read and  
7 sign.

8 (The deposition concluded at 2:44 p.m.)  
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CITICOURT, LLC  
(801) 532-3441

Case: Global Freight v. Al-Morrell  
Case No.: 1:14-CV-00133-TC  
Reporter: Diana Kent  
Date taken: September 23, 2015

WITNESS CERTIFICATE

I, ANTHONY DSOUZA, HEREBY DECLARE:

That I am the witness in the foregoing transcript; that I have read the transcript and know the contents thereof; that with these corrections I have noted this transcript truly and accurately reflects my testimony.

PAGE-LINE	CHANGE/CORRECTION	REASON
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No corrections were made.

I, ANTHONY DSOUZA, HEREBY DECLARE UNDER THE PENALTIES OF PERJURY OF THE LAWS OF THE UNITED STATES OF AMERICA AND THE LAWS OF THE STATE OF UTAH THAT THE FOREGOING IS TRUE AND CORRECT.

\_\_\_\_\_  
Anthony Dsouza

\_\_\_\_\_  
Date Signed